DOCUMENT RESUME

ED 474 700 PS 031 147

AUTHOR	Lowe, Elaine, Ed.
TITLE	Research Connections Canada: Supporting Children and Families, Number 7.
INSTITUTION	Canadian Child Care Federation, Ottawa (Ontario).
SPONS AGENCY	Human Resources Development Canada, Ottawa (Ontario).
ISSN	ISSN-1488-1160
PUB DATE	2001-00-00
NOTE	118p.; Additional support from Child Care Visions. For other issues in series, see PS 031 141-149.
AVAILABLE FROM	Canadian Child Care Federation, 363 Parkdale Ave., Suite 201, Ottawa (Ontario) K1Y 4R4, Canada. Tel: 800-858-1412 (Toll Free); Tel: 613-729-5289; Fax: 613-729-3159; e-mail: orders@cccf-fcsge.ca; Web site: http://www.cccf-fcsge.ca.
PUB TYPE	Information Analyses (070)
EDRS PRICE	EDRS Price MF01 Plus Postage. PC Not Available from EDRS
DESCRIPTORS	Child Advocacy; Child Care; Child Responsibility; *Children; *Childrens Rights; Citizenship; Compliance (Legal); Educational Resources; Foreign Countries; Indigenous Populations; Pilot Projects; Play; Position Papers; Program Descriptions; Public Education; Qualitative Research
IDENTIFIERS	Canada; *United Nations Convention on Rights of the Child

ABSTRACT

Serving as a vehicle for raising the profile of and thereby gaining recognition for the important research and development work being conducted in Canada in support of children and families, the "Research Connections Canada" series compiles research and/or development papers as well as background papers, analytical literature reviews, and essays. This issue of the series focuses on children's rights. Following the text of the United Nations Convention on the Rights of the Child, the articles are as follows: (1) "The UN Convention on the Rights of the Child: How Does Canada Measure Up? Summary Report" (Canadian Coalition for the Rights of Children), Canada's first five-year non-governmental progress report to the United Nations; (2) "The Child's Right to Play: Position Statement 8, Society for Children and Youth of B.C." (Valerie Fronczek), including misconceptions of the value of play, and recommendations to address barriers to children's right to play; (3) "Gaining Commitment for Child Care through Public Education" (Katherine Covell, Brian Howe, and Kelly Campbell), examining public education as a vehicle to gain public commitment for a strong, nation-wide, publicly funded and universal system of child care in Canada; (4) "The Road Less Travelled: The CRC [Convention on Rights of the Child] and Indigenous Children" (Philip Cook and Natasha Blanchet-Cohen), on the process of charting a road that promotes a better understanding of the rights of indigenous children; (5) "The World Around Us: Qualitative Research on Children's Participation Rights and Responsibilities" (Ellen Murray), describing participatory strategies incorporated into the educational resource "The World Around Us," which can be used as a model when designing resources for children's rights education and can be integrated into subjects such as social studies or language arts; and (6) "'In My World': A Citizenship Initiative and a Progressive Account of Teacher Change" (Rosemary Allan), on a citizenship pilot project using the UN Convention, in which teachers found that children could understand and use the language of responsibilities and rights. All of the papers contain references. (HTH)

Reproductions supplied by EDRS are the best that can be made
from the original document.

7

esearch Connections

A N A D A

Supporting Children and Families

BEST COPY AVAILABLE

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

X This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL IN MICROFICHE, AND IN ELECTRONIC MEDIA FOR ERIC COLLECTION SUBSCRIBERS ONLY, HAS BEEN GRANTED BY

Gaetane Huot

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

2A

2

7

Research Connections

C A N A D A

Supporting Children and Families

Research Connections Canada features research and development projects in support of children and families.

Published by the Canadian Child Care Federation with financial support from Human Resources Development Canada, Child Care Visions.

©2001

ISSN 1488-1160

Published by the Canadian Child Care Federation

Project Manager	Anne Maxwell, Director of Information Services
Editor	Elaine Lowe
Design/Layout	Fairmont House Design
Printing	St. Joseph M.O.M. Printing

Research Connections Canada: Supporting Children and Families

Research Connections Canada is a bilingual publication series published by the Canadian Child Care Federation and funded by Child Care Visions, Human Resources Development Canada. The series is an anthology of current Canadian early childhood research and development papers.

This professional publication serves as a vehicle for raising the profile of and thereby gaining recognition for the important research and development work which is being conducted currently in Canada, including that being done under Child Care Visions, Human Resources Development Canada.

Research Connections Canada includes research and/or development papers as well as background papers, analytical literature reviews and essays. This publication *series is of particular interest to training programs (at both college and university levels), academics, researchers, policy makers and licensing and regulatory agencies.*

Research Connections Canada is guided by an editorial committee. However, the papers represent the opinions of the authors and should not be considered as reflecting the opinions of the Editorial Committee, the publisher or the funder. Papers are presented essentially as submitted by the authors; there is no substantive edit or fact-checking. There is currently no peer-review process.

One copy of each issue of the series is distributed free of charge to an identified distribution network including: libraries in colleges and universities that offer training in early childhood care and education; government child care departments; national organizations in the health and social services sector; and provincial/territorial organizations with a focus on early childhood.

Table of Contents

Introduction 5
The Honourable Landon Pearson, Senator, Advisor on Children's Rights

Convention on the Rights of the Child 7
United Nations General Assembly
Preamble 7
Articles 1 – 54 8

The UN Convention on the Rights of the Child: How Does Canada Measure Up? Summary Report 29
Canadian Coalition for the Rights of Children
Introduction 30
Where are the Children? 30
Vulnerable Children 32
Finding Solutions 33
Report Summaries and Evaluations 33
General Measures of Implementation 34
Civil Rights and Freedoms 36
Family Environment and Alternative Care 39
Basic Health and Welfare 41
Education, Leisure and Cultural Activities 44
Special Protection Measures 47

The Child's Right to Play: Position Statement 8, Society for Children and Youth of B.C. 53
Valerie Fronczek
Background 53
The Importance of Play 53
Misconceptions of the Value of Play 54
Barriers to the Child's Right to Play and Recommendations 55
Conclusion 57

Gaining Commitment for Child Care through Public Education 59
Katherine Covell, Brian Howe & Kelly Campbell
Overview 59
Public Support for Child Care 60
Attitudinal Obstacles to Nationwide Child Care 61
Overcoming Obstacles 65
Effects of an Educational Approach 66

The Road Less Travelled: The CRC and Indigenous Children 71
Philip Cook and Natasha Blanchet-Cohen
- Overview 71
- CRC and Indigenous Children 72
- Development 73
- Survival 76
- Protection 76
- Participation 77
- An Indigenous Child Rights Framework 79
- Challenges in Implementing the Rights of Aboriginal Children 81
- A Call for Capacity-Building 83
- Embarking on the "Road Less Travelled" 87

The World Around Us: Qualitative Research on Children's Participation Rights and Responsibilities 91
Ellen Murray
- Abstract 91
- Impetus for Resource and Research 91
- Research Purpose, Design and Methodology 92
- Participatory Strategies 94
- Implications of Children's Rights Education 101
- Future Directions 102

***In My World*©: A Citizenship Initiative and A Progressive Account of Teacher Change** 105
Rosemary Allan
- Abstract 105
- Background 105
- Advisory Committee 108
- Action Research 109
- Action Research Results 110

Introduction

There are few moments in life more delightful than when a baby grabs your finger in her tiny hand and gives you a smile or when a toddler throws his arms around your neck and asks to be taken up. There is an aura of mutual trust surrounding these moments that marks them as profoundly human. Expand this aura to other moments when a child is interacting with his or her grownups and you begin to understand the true meaning of children's rights. Children's rights are essentially about community, about the obligations of care and respect that we owe to one another as members of the human family, and about the special vulnerabilities of children that call out for protection, nurture, and wise and thoughtful guidance.

Respecting the rights of children releases their humanity. In my experience, when children live within an atmosphere of trust and are able to act without the constraints of fear or anxiety, they are comfortable with adults, eager to learn from them and prepared to reach out.

But recognizing how fundamental children's rights are is only part of the story. The other part is figuring out what that recognition means for our practice. For those of us who work with young children it is often difficult to know how to include their voices in our decision-making processes. It takes an extra act of the imagination to put ourselves in the shoes of four year-olds so that we can take their perspective into account. Yet if we fail to do so, our best intentions may go awry. As children grow older, it becomes easier to involve them more directly but it is still takes an effort to do so respectfully. This is not to say that children always know what is best for them or that we should burden them with heavy choices. But they usually know what won't work and we should certainly listen to them to learn what will.

The United Nations Convention on the Rights of the Child is a great tool for everyone who cares about children and who wants to know how to work with and for them in a constructive way. If we can make its four principles of "child survival and development", "best interests of the child", "non-discrimination" and, especially, "participation" part of our normal thinking about children, then we'll be a lot closer to doing the "right" thing by them.

Landon Pearson

The Hon. Landon Pearson, Senator
Advisor on Children's Rights

Convention on the Rights of the Child

The Convention on the Rights of the Child was adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989. It entered into force 2 September 1990, in accordance with article 49.

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

Part I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and. as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
   (a) For respect of the rights or reputations of others; or
   (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

   (a) To diminish infant and child mortality;
   (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
   (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
   (d) To ensure appropriate pre-natal and post-natal health care for mothers;
   (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
   (f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having

financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
   (a) Make primary education compulsory and available free to all;
   (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
   (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
   (d) Make educational and vocational information and guidance available and accessible to all children;
   (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:
   (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
   (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
   (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
   (a) Provide for a minimum age or minimum ages for admission to employment;
   (b) Provide for appropriate regulation of the hours and conditions of employment;
   (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of

persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
   (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
   (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
      (i) To be presumed innocent until proven guilty according to law;
      (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
      (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
      (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
      (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
      (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
      (vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
   (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
   (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

Part II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States

Parties which have nominated them and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the

rights recognized herein and on the progress made on the enjoyment of those rights:
(a) Within two years of the entry into force of the Convention for the State Party concerned;
(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports

from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

Part III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

The UN Convention on the Rights of the Child: How Does Canada Measure Up?

Canada's first five year non-governmental progress report to the United Nations

Letter from the Board of Directors, November 1999

The Board of Directors of the Canadian Coalition for the Rights of Children is pleased to present The UN Convention on the Rights of the Child: How Does Canada Measure Up? *This monitoring initiative is a highwater mark in the Coalition's 10-year history. In 1989, nine organizations committed to work with the Honourable Landon Pearson, the founding chairperson of the Coalition, to promote the ratification of the Convention and raise awareness of children's rights in Canada. Today, 34 organizations, in concert with many others, are presenting Canada's first five-year non-governmental progress report to the UN Committee.*

Monitoring the implementation of the Convention is a massive undertaking in a country as diverse as Canada. Through the support of many non-governmental organizations, of experts in the areas under consideration, of students who gave so generously of their time, of the project team and of course of the funders who made it possible, this project is a testimony to the dedication of Canadians working in different ways to improve the outcomes for children in this country and abroad.

This is just a beginning. The Coalition has created the foundation for a uniquely Canadian monitoring process that can be built upon. It is now time for Canada to implement a permanent monitoring mechanism and through it, to work towards enhancing the health, happiness and well-being of children everywhere.

— Board of Directors

How Does Canada Measure Up? Summary Report

The Canadian Coalition for the Rights of Children researched six areas related to Convention articles on education, fundamental freedoms, abuse and neglect, refugee children, children with disabilities and Canada's international obligations. Following this one-year examination of children's rights in Canada, the Coalition concludes that Canada meets most of its obligations under the UN Convention on the Rights of the Child.

However, the Coalition's research also documents seven areas in which children's rights are being systemically violated and 26 situations where action is required before Canada's compliance with the Convention can be met in the articles examined. Several issues of concern affect all research areas.

Canada's *Charter of Rights and Freedoms* guarantees that everyone within Canada's borders is entitled to life, liberty and security. Human rights legislation generally prohibits discrimination based on race, colour, place of origin, family status, religion, political belief, physical or mental disability, gender and sexual orientation. Children's right to education is assured in Canadian legislation, which provides for primary and secondary schooling and obliges all children to attend. School children are given varying opportunities to develop their talents and abilities. Provincial and territorial governments have a duty to intervene to protect a child at risk from abuse or neglect. Refugee children are eligible for health care, education and settlement services in Canada. The *Canada Health Act* ensures free, universal health care for all Canadians. Every province and territory has a stated commitment to integrated, inclusive education for children with disabilities. Children's rights are an explicit priority in Canadian foreign policy.

Where are the Children?

Since the Convention is not part of domestic law, it is not legally enforceable. Canadian legislation rarely recognizes children specifically. While the *Charter of Rights and Freedoms* guarantees rights for everyone, children are often overlooked. Legislation can place unreasonable restrictions on children's human rights and fundamental freedoms.

Children are usually not recognized as subjects of human rights and adults can place arbitrary limits on children's fundamental freedoms. Teachers and principals, for example, have broad discretionary powers and can restrict students' freedoms with little, if any, accountability. There are few redress mechanisms available to children. Most of the restrictions that children face on a daily basis are not entrenched in law but are part of school policies or are rules of the family. In these situations, children's fundamental freedoms are very dependent on the good will of adults.

It is difficult to determine the extent to which children's fundamental freedoms are recognized and promoted in Canada, for there is a critical lack of accessible and reliable information.

However, rights education is not part of most schools' core curricula and children's Convention rights have not been widely promoted in Canada.

To some extent, Canada upholds the Convention's general principles of non-discrimination, best interests of the child, maximum survival and development, and respect for the child's views. School boards across the country promote multiculturalism, diversity and anti-discrimination; however, widespread homophobia among students is a recognized problem. In child welfare cases, the child's best interests are weighed against parent's rights. In other areas, children's "best interests" are ignored or are interpreted without considering the views of the children at all. The general principle of maximum survival and development is not assured for our most vulnerable children, such as children with disabilities, Aboriginal children and children in the care of the state.

Jurisdictions

Canada is a federation of 10 provinces and three territories. Where a child lives often determines the degree to which his or her rights are met. There can be significant differences in the programs and services children receive in different parts of the country. Home care services for families with children with disabilities vary widely and there is no effort to create standards or even to define basic services. Although there are no national standards for settlement services for refugees, the federal government is transferring authority for these services to the provinces and territories. Child welfare services are often fragmented and uncoordinated within jurisdictions, with resources unevenly allocated across regions. For Aboriginal children living on reserves, the delivery of services is further complicated by jurisdictional disputes.

Research and Data

There is little national information about children in areas under provincial and territorial authority, as there are extensive variations in the types of data collected and the manner in which they are reported. For example, there are no national statistics on child abuse and neglect in Canada and insufficient information about how to prevent maltreatment. This lack of information on children constrains the development of effective services. The federal government, for instance, does not collect statistics on the number of child refugees who are held in detention. The most recent national study on children with disabilities was conducted in 1991. Statistics and information on Canadian foreign policy and programs for children are unclear and unreliable. There are no statistics on the number of children with disabilities who file complaints with human rights commissions.

Resources

Resources for children's programs and services are often stretched or unstable. Canada's financial commitment to international aid has been dwindling. Cutbacks to education funding

and the closing of schools have undermined access to and quality of education, especially in special education, citizenship, social studies and arts education. Child welfare services have taken a back seat to budget cuts in some provinces, despite growing caseloads, chronic waiting lists and worker burnout.

Public services do not sufficiently recognize the extra demands placed on the families of children with disabilities and many need better financial, social and emotional supports. Despite the high number of Aboriginal children affected by disability, the delivery of services in Aboriginal communities is generally poor or non-existent. Settlement support is offered to refugee families for only one year. Canada has had little success in reducing child poverty and 19.8 percent of children under the age of 18 live in low income families.

Vulnerable Children

In Canada, as in all countries of the world, some children are particularly vulnerable. In this study, Aboriginal children, children with disabilities, abused and neglected children and refugee children were found to be particularly at risk.

Aboriginal Children

Aboriginal Canadians have a disability rate that is more than twice the national average. Aboriginal children are at a greater risk of school failure than other Canadian children. A disproportionate number of Aboriginal children are victims of abuse and neglect in comparison to non-Aboriginal children. The suicide rate among Aboriginal youth is about five times the national rate. Many aboriginal children live in poverty.

Children with Disabilities

An estimated 535,000 children and youth under age 20 have some form of disability. Children with disabilities have varying opportunities to live "full and decent lives" and the supports and services they need are not considered an entitlement but a privilege. Many families of children with disabilities do not receive adequate assistance. Early identification and intervention services are not universally available and the right to appropriate education in the most enabling environment is not guaranteed.

Abused and Neglected Children

Abused and neglected children continue to fall through the cracks in our child welfare systems. Inquests and inquiries into the deaths of children who were killed by their parents speak of inadequate risk assessments, insufficient training for social workers, a lack of service coordination and information sharing, a shortage of placement facilities, failed foster placements, a crisis orientation, and the lack of long-term planning for children who are in the care of the state.

Refugee Children

Generally, Canada does not grant asylum to overseas refugees who might be expected to cause excessive demands on health or social services. Child refugees who arrive in Canada can be detained and there are no detention standards. The refugee determination system is slow and the long wait unduly prolongs uncertainty in the lives of children and their families. Family reunification is rarely dealt with in a positive and expeditious manner. The interests of children are not taken into account in decisions to deport their parents.

Finding Solutions

Canada needs to develop a comprehensive strategy to increase awareness of children's rights and to galvanize the energy and resources to ensure these rights. Many of the issues are complex, requiring a broad community response.

Canada needs a standardized and comprehensive data collection about children at all levels of government. Without data that is comparable across time and jurisdictions, it will remain difficult to monitor children's rights and determine necessary interventions

Report Summaries and Evaluations

Evaluations were based on the evaluation tool shown below. The criteria for "meets compliance" was applied first and where compliance was not reached, "rights alert," "needs action" or "needs dialogue" was applied.

Evaluation Tool

Convention Article:					
	What	**Meets Compliance**	**Rights Alert**	**Needs Action**	**Needs Dialogue**
Legislation and Case Law International Federal Provincial/Territorial					
Policy Federal Provincial/Territorial Local					
Practice Federal Provincial/Territorial Local					

Evaluation Criteria

Meets Compliance

- Confident that children's rights are systemically being respected.
- In a situation where legislation meets compliance but case law or practice does not, if there are adequate redress mechanisms in place then compliance can still be met.
- While individuals may, from time to time, disregard the rights of children, compliance can still be met if redress mechanisms are in place to correct this.

Rights Alert

- Systemic violation of children's rights.

Needs Action

- Definable action is needed to improve children's rights.
- Can include lack of statistics/research.

Needs Dialogue

- Action required is unclear or undefinable, and situation requires (public) dialogue.

UN Reporting Category: General Measures of Implementation

Convention Article 4: International Cooperation to Promote and Enhance Children's Rights

Article 4 requires Convention signatories to take all necessary measures to implement Convention rights and to promote children's economic, social and cultural rights within the framework of international cooperation.

Over the years, Canada has played a significant role in promoting children's rights in the international sphere. For example, Canada helped draft the Convention and co-hosted the 1990 World Summit for Children, where governments of 71 countries agreed to a 10-year agenda for improving the well-being of children. The federal government has been active in a number of children's rights areas, such as preventing the commercial sexual exploitation of children, protecting children in armed conflicts and ending discrimination against girls.

Children's rights are an explicit priority in Canadian foreign policy. However, it is not clear how well this philosophical commitment is supported in practice. A major concern is Canada's dwindling financial commitment to international aid. In 1970, Canada and other industrialized countries agreed to target 0.7 percent of Gross National Product (GNP) for international development aid. Canada has never met that target and, as the Organization of Economic Cooperation and Development reports, the percentage of Canada's aid spending has actually

declined an average of 3.3 percent per year from 1990-91 to 1995-96. In 1997, Canada's spending on overseas development assistance was 0.32 percent of GNP (or $1.795 billion).

The amount of Official Development Assistance (ODA) that is directed towards children is difficult to determine. As part of the Plan of Action resulting from the 1990 World Summit for Children, the Canadian International Development Agency (CIDA) recently started publishing annual reports that detail disbursements with a perceived impact on children. "Direct" programming for children is when children are specifically included among the initiative's target groups. "Indirect" programming is when children are not targeted but are believed to benefit nonetheless. Programs in which women make up over 50 percent of the project target group, for example, are considered to indirectly benefit children. Of the $580.98 million that CIDA estimates it spent on programs supporting children in 1996-97, less than half ($238.4 million) was "direct" spending. Direct programming for children focused on basic human needs—particularly immunization and the elimination of iodine deficiencies. Indirect programming tended to focus on community development, poverty reduction and support for the role and status of women. Unless CIDA's assumptions about the direct and indirect benefits for children are backed by child-focused, results-based program assessments, it is very difficult to determine if and how children have actually benefited from CIDA's programs.

The 20:20 initiative of the United Nations Development Program (UNDP) is another area in which the government appears to be committed in principle but not in practice. The 20:20 initiative encourages donor countries to allocate at least 20 percent of foreign aid to human priority goals, such as primary education, primary health care, safe drinking water and sanitation. However, CIDA has no clear policy guidelines, implementation strategy or annual goals for 20:20.

The federal government ratified the UN Convention on the Rights of the Child and committed to recognizing children's rights and improving the quality of their lives, but CIDA does not have a clear strategy for incorporating the Convention's principles into its ODA initiatives. In June 1997, CIDA published a draft Strategy for Children, which proposed to improve children's health, knowledge and skills and to protect children's rights from abuse, exploitation and violence. This promising strategy has not been adopted as policy, however, and children's issues continue to be addressed peripherally, if at all. Beyond CIDA, other relevant federal policies, including trade, export and debt reduction, appear to be implemented without consideration of their impact on children in developing countries.

Although it is difficult to evaluate the impact of aid on children's development from the information available, it is clear that children do benefit from a number of ongoing initiatives, including:

- programs to improve children's health and address HIV/AIDS, micronutrient deficiencies, female genital mutilation and immunization;
- efforts to facilitate respect for the views of the child through international meetings and conferences on land mines, gender issues, child labour, and sexual exploitation and abuse;

- the adoption by Canada of the Hague Convention on the Civil Aspects of International Child Abduction and the development of "Our Missing Children," a program to protect abducted children found crossing international borders;
- the ratification by Canada of the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption; and
- cooperation with the International Labour Organization to eliminate the worst forms of child labour.

Article 4: How Does Canada Measure Up?

Rights Alert: Canada has not honoured its commitment to spend 0.7 percent of GNP on international aid.

Needs Action: Statistics and information on federal programs and policies for children are unclear and unreliable.

Needs Action: CIDA has no goal or strategy for adopting the principles of the Convention.

Needs Action: CIDA needs tools to evaluate the impact of its programs on children. Other federal departments, such as Foreign Affairs and International Trade, need to look at the effects of Canadian policies on children in developing countries.

UN Reporting Category: Civil Rights and Freedoms

Convention Articles 13, 14 and 15: The Fundamental Freedoms

Articles 13, 14 and 15 address a child's right to three fundamental freedoms:

- freedom of expression;
- freedom of thought, conscience and religion; and
- freedom of association and peaceful assembly.

(These articles should be interpreted in conjunction with article 5 of the Convention, which recognizes the responsibilities, rights and duties of parents to provide appropriate direction and guidance in a manner consistent with the evolving capacities of the child.)

Canada has adopted several international human rights instruments which make specific reference to the fundamental freedoms. Canada's *Charter of Rights and Freedoms* also guarantees these freedoms for everyone in Canada and allows for restrictions as determined within the context of a free and democratic society. Some provinces and territories have human rights commissions, ombudsmen and advocates to uphold fundamental rights.

In Canada, the issue of children's rights is rarely addressed by the media except for a few cases of flagrant violation or exceptional court cases. It is difficult to assess children's level of awareness of their fundamental freedoms. Many children learn about rights and responsibilities in their school's social studies classes. The federal government offers teachers lesson plans on rights and freedoms through the Internet on the School Net web site but if or how the material is used is not known. Special efforts are made to protect children's fundamental freedoms when they have been removed from their homes and live in the care of the state. Because the state has assumed the role of parent when a child is in care, the government is responsible for protecting the rights of these vulnerable children. Except for the Atlantic provinces, government-appointed advocates assist children in care in making their views heard.

Incidents concerning children's rights occasionally capture public attention, such as the recent court case involving a 13-year-old boy's refusal to undergo cancer treatments that were against his religious beliefs and the highschool teacher who strip-searched 19 students after $90 was reported missing from a gym bag. But on the whole, children's rights have not been widely debated in Canada. This may be a result of complacency, ignorance or an indication that children's rights are generally protected. Like adults, children can challenge restrictions on their freedoms through the courts and human rights commissions, although very few have done so. Most restrictions on children's freedoms are dealt with privately and informally in the home or at school.

In the absence of widespread public discussion, there is little consensus about children's fundamental freedoms. Are these rights inherent or do they need to be earned? What are reasonable limits? What are unreasonable infringements? How can the tension between children's rights and parent's rights be resolved? How can rights in the private sphere be monitored? How are community and school standards determined in a pluralist society?

Articles 13, 14 and 15: How Does Canada Measure Up?

Needs Action: Canadian legislation should specifically recognize children. Although the Charter of Rights and Freedoms guarantees rights for everyone, children are often overlooked. Age discrimination in human rights legislation does not address children.

Needs Action: Legislation, particularly municipal by-laws, should be reviewed to ensure that they do not place unreasonable restrictions on children's freedoms.

There is concern that some restrictions in municipal by-laws may be contrary to the Charter of Rights and Freedoms and the Convention.

Needs Action: Children's fundamental freedoms should be recognized in education legislation. These rights should be consistently respected in schools across the country.

Teachers and principals have broad discretionary powers to restrict the freedom of students.

These rights restrictions are applied arbitrarily with little, if any, accountability or recourse.

Needs Action: Accessible redress mechanisms that are meaningful to children should be in place.

Challenging a restriction on the freedoms through the courts or human rights commissions is a lengthy, usually expensive and often intimidating process.

There appears to be considerable variation across the country in access to redress mechanisms.

There are no federal redress mechanisms such as a federal ombudsman or commissioner for children.

Needs Action: Children in care should have their fundamental freedoms explained to them systematically and in a way they can understand. Children in care should have swift, effective and equal access to redress mechanisms.

Children in care may be unaware of their rights and many report that their views are often not heard.

The state has assumed the role of parent for children in care and is directly responsible for the protection of their rights.

Some provinces and territories do not have an independent advocate to hear complaints of children in care.

Needs Action: All children should be aware of their fundamental freedoms, the rights of others and the responsibilities that accompany freedom. Children's rights education should be a mandatory part of school curricula.

It appears that many children are not taught about rights and freedoms in Canada.

Needs Dialogue: There is little consensus and awareness about children's fundamental freedoms. Some areas requiring discussion include:

- What constitutes unreasonable infringement on fundamental freedoms?
- How should environments in which children develop, such as schools, regulate freedom of expression?
- How should these environments respect freedom of religion?

UN Reporting Category: Family Environment and Alternative Care

Convention Article 19: Abuse and Neglect

Article 19 requires countries to take broad measures to protect children from maltreatment, including violence, abuse and neglect. In Canada, provincial and territorial child welfare systems are responsible for child protection.

Child welfare legislation recognizes that families are primarily responsible for the care, supervision and protection of their children but when a child is at risk, the government has the duty to intervene to protect the child. Child protection services investigate cases of suspected abuse and neglect and, depending on the circumstances, can elect to provide support services to a family or remove the child from the family home. Removing a child from the family home is referred to as "taking a child into care."

Canadian legislation allows parents, teachers and persons "standing in the place of a parent" to use corporal punishment against children, even though physical punishment has been strongly linked to physical abuse. In fact, one Ontario study found problems with punishment or discipline to be a factor in 72 percent of substantiated physical abuse cases. Section 43 of the Criminal Code allows "reasonable force" to be used against children and this provision has been used to justify a child being punched in the face or pushed down a flight of stairs. In Canada, children are the only category of persons who can be subject to physical assault without due process.

Canada has no national statistics on the number of children who are reported to child protection authorities because provincial and territorial child welfare systems collect and report data in different ways. The federal government is working with the provinces and territories to begin collecting and analysing data on reported cases of child abuse and neglect.

Recent inquests and child death reviews have publicized tragic failures of child welfare systems and hundreds of recommendations for improvement have been made over the past few years. As a result, some Canadian child protection systems are broadening the grounds for finding a child in need of protection and developing tools to systematically assess levels of risk. Systems are also trying to improve case management and information sharing within and across jurisdictions. Other ongoing child welfare reforms include workload standards and better training for child protection workers and the education of professionals and the public about the obligation to report suspected child maltreatment.

Most of these reforms require increased funding and there are indications that some jurisdictions are starting to restore budgets so that child welfare systems can better deal with

their ever-increasing caseloads. But investigating, treating and preventing child abuse and neglect are complex social issues requiring a broad community response. It remains to be seen whether the current round of child welfare reforms will result in better protection for children, real help for families in crisis and effective treatment for the victims of violence, abuse and neglect.

There has long been a link of abuse and neglect with poverty, especially in cases involving neglect. Available data indicates that child neglect cases account for a significant majority of child welfare caseloads and research suggests that the effects of neglect can be more damaging and long-lasting than abuse. Canada has had little success in reducing child poverty and child welfare workers have few, if any, tools to help families deal with this serious and persistent problem.

Poverty and despair provide a fertile soil for child abuse and neglect and the social problems suffered by families across the country tend to be even more concentrated in Aboriginal communities. The destruction of native social systems by the mainstream society has left many Aboriginal children vulnerable and many Aboriginal communities mistrustful of child welfare interventions. Canada has made little progress in improving the outcomes for Aboriginal children. For example, an Ontario review found that Aboriginal children receive the lowest level of child welfare services. In Manitoba, Aboriginal children represent 10 percent of the province's child population but 67 percent of children in care. Canadian jurisdictions are working towards the transfer of child welfare services to Aboriginal agencies. However, these Aboriginal agencies and communities are struggling with overwhelming demand and a limited supply of culturally appropriate early intervention and treatment services.

Article 19: How Does Canada Measure Up?

Rights Alert: A disproportionate number of Aboriginal children are victims of abuse and neglect in comparison to non-Aboriginal children. Little, if any, progress has been made in this regard.

Rights Alert: In some jurisdictions, children over the age of 16 are not eligible for child protection services.

Rights Alert: Section 43 of the Criminal Code should be repealed to prohibit corporal punishment.

Needs Action: The reform of child welfare systems must continue across the country and Canadians must develop effective community responses to families at risk.

Needs Action: Increased resources should be dedicated to identifying, understanding and preventing child maltreatment, particularly neglect.

Needs Action: Public education is needed about alternatives to physical punishment.

Needs Action: Child welfare research and data are seriously lacking.

There are no national statistics on child abuse and neglect in Canada.

There is insufficient information about how to prevent and treat child abuse and neglect. There is little information about the outcomes of existing services.

Child welfare systems need better integration with mental health, education, justice and other community services.

Needs Dialogue: Canadians need a public dialogue about a commitment to and accountability for children who need protection.

Children in care may not have access to the services and resources they need and their views may not be heard.

UN Reporting Category: Basic Health and Welfare

Convention Article 23: Children with Disabilities

Article 23 recognizes that children with disabilities have the right to enjoy full and decent lives. They are entitled to special care, assistance and effective services, including education, training, health care, rehabilitation, preparation for employment and recreation opportunities. This assistance is to be provided free of charge, whenever possible, considering the financial resources of the parents or others caring for the child.

In Canada, an estimated 535,000 children and youth under age 20 have some form of disability. Aboriginal Canadians have a disability rate that is more than twice the national average. Surveys indicate that learning disabilities are the most common long-term condition. Almost 46 percent of children younger than 15 years of age with a disability have a disability that limits or prevents participation in school, play or other pursuits; almost 18 percent use a technical aid, such as a hearing aid, medically prescribed footwear or a brace. The number of children with disabilities continues to increase as medical advances significantly improve survival rates.

There is insufficient funding for the early diagnosis of children with disabilities and appropriate programs and services, such as child care, early education and early intervention. These services are often treated as discretionary expenditures, rather than as rights, and are subject to elimination or cutbacks during times of fiscal restraint.

While the *Canada Health Act* ensures free, universal health care, related expenses such as prescription drugs are not covered under the Act. Rehabilitation supports and specialized equipment such as leg braces and hearing aids are only partially covered, if at all. There are often long waiting lists for health services that can lead to early diagnoses and appropriate therapeutic interventions. There are wide variations in the provision of services across Canada, often within provinces, and services may be subject to a means test.

There has been a shift in recent years away from institutional care to providing services in the community. This has led to a growing number of children with disabilities living at home with their families. These families may require professional home care, respite care, income supports, child care and enhanced parental leave. Often, families do not receive adequate assistance and frequently find themselves financially, physically and emotionally exhausted by efforts to care for their children.

All children in Canada aged five, six or seven (depending on the jurisdiction) to age 16 are required to attend school. For children with disabilities, however, the right to appropriate education in the most enabling environment is not guaranteed. Children in Canada, including those with disabilities, do not have a right to early education (preschool). Although every province and territory has a stated commitment to integrated, inclusive education, this commitment is not clearly operationalized in most jurisdictions. Inclusion in regular classes appears to be more successful for students with physical disabilities than for those with multiple, developmental or emotional disabilities. Although early education can enhance the physical, emotional and cognitive development of children, few preschool children with disabilities have access to free, suitable early education.

Increased demand coupled with cutbacks to education budgets have resulted in inappropriate educational services for students with special needs. There are variations in the services available in communities and provinces, due to variations in regulations and budgets. Particularly limited are support services (such as teaching assistants and consultative supports), training in inclusionary educational strategies and rehabilitation services (such as physiotherapy, occupational therapy and speech therapy).

Public recreation and play activities are usually delivered by municipal governments and these programs are often inaccessible to children with special needs. There are no accessibility standards for children's play spaces in Canada. A survey of youth with disabilities indicated that cost and lack of opportunities were the most common obstacles to their participation in leisure activities.

Governments fund occupational training opportunities for youth with disabilities, but only 48 percent of working-age Canadians with disabilities are in the paid labour force, compared with 73 percent of persons without disabilities.

Discrimination against persons on the basis of disability is prohibited by federal and provincial legislation but people with disabilities, and children in particular, still experience prejudice. Young people with disabilities experience more abuse and violence than the non-disabled. In addition, many disability issues are examined from the adult perspective and the special needs of children are often overlooked. For example, provincial building codes include accessibility standards but are not designed with children in mind. The few complaint mechanisms that are available to children and youth tend to be difficult to access.

Negative assumptions about the quality of life enjoyed by persons with disabilities undermine respect for their fundamental rights. Recent examples include Robert Latimer's two-year sentence for the second-degree murder of his daughter Tracy, who had cerebral palsy. The judge in this case reduced the mandatory life sentence because the suffering experienced by Tracy was seen to justify the "mercy killing." (The decision is being appealed by the Crown.) In another example, a 17-year-old boy with Down syndrome was denied a place on a waiting list for a lung transplant until public pressure led the Alberta hospital to revise its policy on transplants for people with disabilities.

Article 23: How Does Canada Measure Up?

Rights Alert: The federal Immigration Act discriminates on the basis of disability because s. 19(1)(a)(ii) allows a family's application to immigrate to Canada to be rejected if a child would place excessive demands on health or social services.

Needs Action: Children with disabilities are not guaranteed free and appropriate early diagnosis, early intervention and early childhood education in Canada.

Needs Action: Current and reliable national data should be collected about children with disabilities in Canada.

The most recent national study on children with disabilities was the Health and Activity Limitation (HAL) Survey, conducted by Statistics Canada in 1991.

Up-to-date data about the situation of children with disabilities are needed to develop effective public policy, international comparisons and information exchange.

Needs Action: Families of children with disabilities need increased public support.

Additional assistance and financial help are needed to meet the extra needs of children with disabilities and to support their families, regardless of family income. This may include augmented maternity and parental leave policies, income support, respite care, child care options or training.

Needs Dialogue And/or Research: Programs for children with disabilities need to equalize opportunities with non-disabled children and maximize development. Participation of persons with disabilities is still considered a privilege rather than a entitlement.

Bio-ethics and advanced technology in health care can negatively affect the right to life. Genetic testing and diagnosis may lead to negative ethical judgments, reinforcing stereotypes about the undesirability of people with disabilities.

There is a lack of information about children with disabilities who are in conflict with the law and about children with disabilities living in the care of the state. Attention must be paid to these groups in the next monitoring exercise.

Use of the term "best interests" as a decision-making rationale by courts and schools can be detrimental to children. Its interpretation can vary according to different perspectives, not always serving children as intended. Further, the concept can be used to provide a simple or quick solution to address a problem rather than exploring other options for the child in question.

UN Reporting Category: Education, Leisure and Cultural Activities

Convention Articles 28 and 29: The Right to and Aims of Education

Articles 28 and 29 of the Convention address children's right to education and the goals of education, which include the development of each child's full potential, preparation for a responsible life and respect for other people and the environment.

Provincial and territorial governments are responsible for education in Canada. Community school boards usually implement curriculum and administer school policies. Private schools may operate in any province or territory if they meet general standards. Home schooling and independent schooling are generally permitted, subject to certain regulations.

Children from age five, six or seven (depending on the jurisdiction) to age 16 are obligated to attend school. All children are entitled to remain in school until at least the age of 18.

The majority of Canadian students take their school courses in English or French, Canada's two official languages. The federal government promotes and funds instruction of French and English as second languages. Publicly-funded schooling in either language is guaranteed "where numbers warrant" and this is decided on a case-by-case basis. In Quebec, only children with a parent who was educated in English in the province can attend English-language public school.

It is estimated that 86 percent of students in Canada eventually obtain their high school diploma but early school leaving is a persistent problem. In 1992-93, for example, about 44 percent of 17-year-olds and 65 percent of 18-year-olds were not enrolled in school. The country's highest school-leaving rates are in the Atlantic provinces and Quebec, while Saskatchewan, Alberta and British Columbia have the lowest.

Aboriginal children are at a greater risk of school failure than other Canadian children, although the overall trend appears to be improving. Some jurisdictions' efforts to improve educational outcomes for Aboriginal students include the development of culturally-appropriate curricula and the transfer of education authority to Aboriginal communities. Information about the benefits of these changes are currently being documented.

In jurisdictions across the country, the stated goal of education is to develop citizens with healthy, well-rounded personalities. All curricula are designed to further develop and enhance children's existing mental abilities. Efforts are made to assist children with special needs. However, the delivery of education is through local school boards and children do not have equal access to programs, books, equipment and extra-curricular activities. There is also growing concern about children's school-readiness.

Canadian schools have participated in international initiatives to test students' mathematics and science knowledge and recent results indicate that Canadian students are doing well in these areas. However, no tests have been conducted to assess achievement in the arts, social sciences or civics. Education policies across the country acknowledge the importance of human rights, environmental studies and global education but there is little information on how these subjects are taught. There is some promising work in children's rights and citizenship education but this is mostly based on pilot programs and not integrated into the curriculum of most Canadian schools.

Children across the country are offered varying opportunities to develop their talents and abilities through music, dance and drama. Student participation in education is encouraged through student governments, clubs, sports, committees, the selection of courses and leadership classes. While healthy living and physical education are generally part of the curriculum, two national studies found that the health of 63 percent of Canadian children is at risk due to high levels of physical inactivity.

Efforts have been made across jurisdictions to eliminate racial, ethnic, cultural, gender and socio-economic biases in curriculum and learning resources, and to promote multiculturalism, diversity and anti-discrimination in schools. However, the Canadian Council of Ministers of Education has recommended that increased emphasis be placed on promoting tolerance and understanding. It should also be noted that visible minorities and

people of Aboriginal heritage are under-represented as teachers and administrators in Canadian schools.

Violence and homophobia among students are recognized problems in Canadian schools. Although youth crime is decreasing, research suggests that up to 25 percent of students suffer violence at the hands of other students. Some schools have adopted a "zero-tolerance" response to youth violence and suspend students involved in violent acts from school. Zero-tolerance, however, can further marginalize students who are already at risk of school failure. There are few initiatives that specifically address homophobic violence in schools.

Computers and information technology appear to be priorities in Canadian public education and 85 percent of schools are now connected to the Internet. However, questions have been raised about the impact of spending in this area and the cost to other courses and programs. Internet and media literacy courses, which encourage students to think critically and question exploitative material, are available in several provinces but are not compulsory in most of the country.

Of all Organization of Economic and Cultural Development (OECD) member countries, Canada's per capita education spending is among the highest. Since the early 1990s, however, significant cutbacks in education funding have had an adverse effect on transportation, student: teacher ratios, junior kindergarten, special education, staff development, language training for immigrants and fine art courses. Parents and communities are increasingly expected to pay for field trips and extracurricular expenses, resulting in unequal access to educational opportunities for children.

Articles 28 and 29: How Does Canada Measure Up?

Needs Action: Initiatives are needed to effectively address early school leaving, particularly among Aboriginal students.

Needs Action: Cutbacks in education funding and the closing of schools need to be addressed as they have undermined access to and quality of education in Canada, especially in special education, citizenship, social studies and arts education.

Needs Action: The development of respect for equality, human rights, cultural diversity and the environment are recognized in policy, but not necessarily reflected in practice.

Needs Action: A comprehensive approach is needed to address violence and homophobia in schools.

Needs Action: Increased access through the Internet to exploitative, racist and sexist information requires the development of critical thinking skills and anti-racist and media literacy courses for the core curriculum.

Needs Action: Staffing in education systems should reflect community diversity and the principles of equity.

Needs Action: Children's rights education needs to be part of core curricula.

Needs Dialogue: A discussion is needed on perceived threats to the public school system in Canada and school governance, including the role of parents and the community in education.

Public funding for charter and denominational schools requires broader public debate. Access to instruction in Canada's two official languages needs to be resolved.

The purpose of student testing and use of test results need to be rethought and evaluated.

More information is needed about the impact of information technology in education.

School discipline and international cooperation in the field of education should be researched and reported in the next monitoring exercise.

UN Reporting Category: Special Protection Measures

Convention Article 22: Refugee Children

Article 22 requires countries to take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee under international or domestic law, whether unaccompanied or accompanied by an adult, receives appropriate protection and humanitarian assistance as determined by international human rights instruments, including the Convention on the Rights of the Child. Appropriate measures include tracing family members and family reunification.

Canada selects large numbers of refugees from overseas for resettlement in Canada, compared with other countries. Canadian authorities occasionally select unaccompanied children for resettlement. (Quebec, which has assumed federal responsibilities for immigration, does not accept unaccompanied minors.) Refugees selected from overseas are judged according to estimations of their ability to be financially self-sufficient within a year

and whether they would make excessive demands on health or social services. When a child is accepted as an unaccompanied refugee, however, there is no expectation that the child will be self-supporting.

Refugee status can be claimed in Canada at the border or from within the country. Children can also make their own claims in this way. Unlike overseas applicants, a refugee claimant within Canada does not need to be medically admissible, establish an ability to be self-supporting or have any settlement arrangements. Any claim with a minimum credible basis for refugee status must be heard by the Immigration and Refugee Board. The Immigration Act does not detail specific procedures for dealing with the claims of children, except to designate an adult to represent the child in hearings. There are federal guidelines, however, for processing the claims of unaccompanied children and for eliciting evidence from all child claimants. The guidelines' general principle is the best interests of the child. Best interests are defined broadly and can vary according to the circumstances of each case and the child's age, gender, cultural background and past experiences.

It takes an average of 13 months to determine an inland refugee claim. This is an extraordinarily long period of time from a child's perspective. Canada has one of the highest acceptance rates for refugee claimants among industrialized countries, but this rate has decreased from 62 percent in 1994-95 to 41 percent in 1996-97. If the Refugee Board determines that the claimant is a Convention refugee (as determined by the Geneva Convention Relating to the Status of Refugees and its 1967 Protocol), then the claimant may apply to become a permanent resident of Canada. The Auditor General has found major variations in the acceptance rates of claimants from the same country. If the Refugee Board denies a claim, there is no appeal. When a decision is made to deport a parent, the best interests of their children do
not have to be considered, even if the children were born in Canada or have lived in Canada for a long period of time. However, the Supreme Court of Canada recently questioned that practice.

It is believed that few children are detained by immigration officials but no information is available. Children can stay with a detained parent if the family wishes to stay together. However, there are no standards for the conditions in which children are held.

The *Canadian Charter of Rights and Freedoms* applies to refugee claimants. Claimants are eligible for health care under provincial or territorial plans or

through the federal interim program. All children from age five, six or seven (depending on the jurisdiction) to age 16 are obligated to attend school although immigration lawyers have reported delays in the issuing of student authorization papers.

Settlement services are primarily delivered by non-profit, non-governmental organizations in communities across the country. Many of these organizations receive federal funding. National standards for the quality and quantity of settlement services are needed. Government-sponsored refugees are eligible for financial assistance to cover accommodation, clothing, household effects and living expenses for up to one year. Unsponsored refugees are eligible for assistance through provincial and territorial social assistance programs.

Families cannot come to Canada and refugees cannot travel out of Canada until their claims have been accepted. This includes parents who left young children behind. For refugees who arrive in Canada without identity papers (approximately 13,000 in 1998), family reunification can take longer than seven years. Family reunification can also be delayed by the inability to pay the $975 charged for every adult refugee applying for permanent residence.

Article 22: How Does Canada Measure Up?

Rights Alert: It takes too long for refugee families to be reunited in Canada since families cannot join inland refugees until they have been accepted for landing.

The average length of time it takes to determine a refugee claim is 13 months.

Refugees without identity documents can wait for more than seven years before their families can join them in Canada.

A $975 right-of-landing fee is charged for every adult refugee applying for permanent residence.

Rights Alert: Refugees who might be expected to cause excessive demands on health or social services are usually not selected to come to Canada from overseas.

Rights Alert: Children, even if born in Canada, do not have to be considered in deportation hearings of their parents.

Needs Action: There are no standards for the detention of children.

Needs Action: Quebec does not sponsor unaccompanied refugee children from overseas.

Needs Action: The Immigration Act does not set out specific procedures or criteria for dealing with the claims of children, other than the designation of an adult to represent them in hearings.

Needs Action: The period that refugees are eligible to receive services should be extended beyond a year to more realistically reflect the length of time required to become self-supporting.

Members of the Canadian Coalition for the Rights of Children

Adoption Council of Canada
Anglican Church of Canada
Baha'i Community of Canada
Boys and Girls Clubs of Canada
Canadian Association of Family Resource Programs
Canadian Association for Community Living
Canadian Association of Social Workers
Canadian Child Care Federation
Canadian Council for Inner City Education
Canadian Council for Refugees
Canadian Council on Social Development
Canadian Feed the Children Society
Canadian Home and School and Parent Teacher Federation
Canadian Institute of Child Health
Canadian Living Foundation
Canadian Mental Health Association
Canadian Public Health Association
Canadian School Boards Association
Canadian Teachers' Federation
CARE Canada
Child and Family Canada
Child Find Canada
Child Welfare League of America/Canada
Children's Rights Centre at UCCB (Nova Scotia)
Christian Children Fund of Canada

Defence for Children International
Foster Parents Plan of Canada
Girl Guides of Canada
International Social Service Canada
National Association of Friendship Centres
Pueblito Canada
Ranch Ehrlo Society
Results Canada
Save a Family Plan
Save the Children - Canada
Susila Dharma Canada
Terre des Hommes Canada
The Canadian Catholic School Trustees' Association
The Canadian Society for the Prevention of Cruelty to Children
The Hunger Project
The United Church of Canada
Planned Parenthood Federation of Canada
UNICEF Canada
World Vision Canada
YMCA Canada

Corresponding Members
Child Care Advocacy Association of Canada
Human Rights Research and Education Centre, University of Ottawa
Street Kids International

Provincial Affiliates
Society for Children & Youth of BC, Vancouver, BC
AB Association for Young Children, Edmonton, AB
SK Council on Children & Youth, Pilot Butte, stock
MB Coalition on Children's Rights, Winnipeg, MB
ON Coalition for Children & Youth, Toronto, ON
Coalition pour les droits des enfants et des jeunes au NB, Moncton, NB
Child Welfare, Charlottetown, PEI
Children's Rights Centre, Sydney, NS
Community Services Council, St. John's, NF
Child Find Canada (Yukon), Watson Lake, YT

Contact Information

Canadian Coalition for the Rights of Children
Kelli Dilworth
384 Bank Street, Suite 300
Ottawa, Ontario K2P 1Y4
Phone (613) 230-8838, ext. 228
Fax (613) 230-6654
Email info@rightsofchildren.ca
Website www.rightsofchildren.ca

The Child's Right to Play

Position Statement 8, Society for Children and Youth of B.C.

by Valerie Fronczek

Valerie Fronczek is the executive director of the Society for Children and Youth of B.C. and sits on the board of the International Association for the Child's Right to Play and of the Canadian Coalition for the Rights of the Child. This paper is an official position statement of the Society for Children and Youth of B.C. The Society is a provincial advocacy organization dedicated to improving the well-being of children and youth. It provides a multi-disciplinary forum for organizations and individuals who care about children and who recognize that special efforts need to be made on their behalf in our increasingly complex and largely adult society.

Background

In 1974, as part of a major inquiry into the status of children in Canada, the Canadian Council on Children and Youth initiated a National Task Force on Children's Play. As the Council's B.C. affiliate, the Society for Children and Youth played a leadership role in this work. One of the outcomes was the establishment of a Children's Play Resource Centre housed within SCY. This was the beginning of SCY's ongoing promotion of the value of play in children's lives through conferences, workshops, publications, policy and design consultations, practical demonstrations of play materials and environments, and the inclusion of the importance of play in initiatives with a comprehensive approach to children's well-being such as its Rights Awareness Project and Child and Youth Friendly Communities initiative. SCY was for many years both the western Canada contact for the [former] Canadian Toy Library Association and the Canadian headquarters for the International Association for the Child's Right to Play. Its many decades of work in the field have resulted in the development of a network of individuals and groups who actively support the child's right to play.

The Importance of Play

Play is fundamental to all aspects of child development and is a key component in preserving community and culture, in the broadest sense.

Play is valuable in children's physical exercise and growth, and in their development of motor skills. Children playing together present rich opportunities for social, moral and emotional

development, and hence for the development of their personality and their ability to handle stress and conflict. It is in free play that children learn to understand and co-operate with others. The quintessential nature of play is that it is initiated and controlled by children. This element, and the resulting social competence, has been critically linked to the development of resiliency in children and youth at risk.

Natural outdoor play environments offer important opportunities for children to begin to value the environment. Through play, children explore cause and effect, and gradually build a knowledge base that cannot be taught through structured learning activities. Play is a vehicle for the development of creativity and flexibility — invaluable qualities in human development.

Play can be a vehicle for children to pass on their culture, for sharing between generations, and for children to communicate their feelings and ideas to adults. Through play, young children learn to become active participants in community. Play days and play festivals are a major form of celebration of culture and community around the world. Play is also a way for children to gain a sense of control over difficult circumstances as witnessed in hospital settings and in war zones.

Article 31 of the United Nations *Convention on the Rights of the Child*, ratified by Canada in 1991, requires governments:

- To recognize the right of the child...to engage in play and recreational activities appropriate for the age of the child....
- To encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Misconceptions of the Value of Play

The importance of play to children is strongly supported by researchers from a range of disciplines including psychology, education, philosophy, anthropology and recreation. In spite of this, society as a whole continues to view play as a frivolous pastime, at best useful for children to "let off steam."

The reasons for this misunderstanding are many and varied. One reason is our difficulty in clearly defining play. Play is not synonymous with recreation, although there are many opportunities for play in recreation programs and environments, and it does not include everything children do in their leisure time. Play is not created by adults for children but is behaviour children initiate themselves. Play is spontaneous, self-motivated and controlled by the child. Ideally, the adult role combines setting the stage and facilitating; that is, supporting rather than directing children's play.

For these reasons, specialists in children's play theory understand play as fundamental to human development.

Barriers to the Child's Right to Play and Recommendations

Attitudes

Attitudes toward children's play, and/or lack of public awareness of the value of play, are arguably the underlying cause of most of these barriers.

A concerted effort on the part of governments, organizations and communities should be made to promote the fact that play and learning are not competing ideologies.

Time

This lack of awareness of the significance of play results in the control of children's time. The current perception is that schoolwork and the learning of specific skills is the best path to "success" in an increasingly competitive world economy.

Parents and other decision makers must ensure a balance in children's lives both to avoid unhealthy levels of stress and to allow opportunities for informal play.

Changing family life patterns

These patterns can have a negative effect on children's opportunities for free play. Increasing workloads limit parents' time and energy to play with their children. In turn, this has resulted in children spending more time in organized programs.

Employment policies that recognize the value of parents' time with children should be supported and applauded.

After school care providers should be encouraged to focus on play.

Technology

Television, computers and computer games are not entirely without elements of play. However, the number of hours children can devote to screens of one kind or another can be damaging.

Schools, communities and parents must work together to ensure a balance in children's lives through offering engaging and healthy alternatives to sedentary and isolated activities.

Education and training of professionals

There is little play content in professional development curricula. Children would benefit from an increase in knowledge of play by architects, landscape and interior designers, planners,

health professionals, teachers, coaches and recreationists. Even in traditional bastions of children's play theory, such as early childhood education and recreation, there is increasing pressure to teach skills and to conform to a market-driven mind set.

Child-serving professionals need to join forces to develop standards, guidelines and curricula along with appropriate delivery mechanisms, which will serve in the education, training and practice of all professionals who work for and with children. The high ratio of children to play leaders is a particular concern.

Places for children to play

There are a number of issues that create barriers to children's play opportunities in Canadian communities:

- **Playgrounds** The 20th century version of a children's public playground represented a very narrow view of children's play. Also, with the mixed blessing of safety regulations, they are becoming increasingly less challenging and less interesting to children. Taking risks, such as climbing, building with tools, skateboarding etc. are a necessary part of natural growth and development, as is interacting with the natural environment.

While ensuring that safety is not compromised, there is a need for a paradigm shift in the way we think about playgrounds. Children need a wider range of play possibilities, which would be ensured through a much greater variety of play material and by involving children in the planning process. Also, the availability of play facilitators (not supervisors) would greatly enhance play possibilities. Special consideration should be given to access for children with disabilities.

- **Schoolgrounds** Schoolgrounds are currently not valued as important settings for social or educational development although students spend approximately twenty-five percent of their time at school on schoolgrounds. The lack of value placed on schoolgrounds is manifested in wastelands of gravel, mud and hard surfaces, often devoid of trees, grass and interesting places for children to play and socialize.

There is a need for provincial and/or regional leadership to address the under-utilization of schoolgrounds as places where children's natural development is enhanced. Schoolgrounds should be seen as valuable community space. Provincial and municipal governments, unions, parent groups and students themselves should share in the responsibility for them.

- **Public Spaces** Children play everywhere. Spontaneous or free play is important for children in both natural and built environments. Open space is diminishing due

to competition for urban land and commercial priorities for its use. The built environment, such as town squares, shopping malls etc., do not always anticipate or plan for children playing.

Decision-makers and planners should apply a "child friendly lens" to policy affecting young people in public space and involve children themselves as much as possible. Examples of things that may be considered are: preservation of undeveloped land; parks that are close to schools and jointly planned with schools; community gardens where children and youth can care for plants; and parks and open space that offer children and youth opportunities for climbing, challenge and adventure.

- **Housing and Local Streets** Children's first experiences of the world are typically contained within their homes, yards and nearby streets. Multi-family housing complexes do not always adequately accommodate children's play, and adult attitudes toward children and youth playing "close to home" often discourage such play. Traffic is a serious and increasing hazard in many communities.

Children would benefit from a higher priority put on playspace, particularly in multi-family housing, and by rental or sale agreements that do not place restrictions on the normal play and recreation activities of children and youth.

Planners should ensure a wide range of environments to encourage many kinds of children's play and ensure they are well-situated, safe and well-maintained.

- **Safety** Fear of abduction and abuse has become a real threat to children's free play, particularly outdoor play, which is so important for their development.

Efforts need to be made by municipal programmers, parent and community groups, especially in high-risk neighbourhoods, for children to have opportunities to play with other children in safety.

Conclusion

Play is not just about providing safe playgrounds for children. It is fundamentally about protecting their right to be free to explore and discover the physical and social world around them.

Child advocates must be vigilant in their protection of this right, for the twenty-first century offers serious threats to this seemingly natural and simple aspect of human development.

References

Ellis, Michael J. (1973). *Why People Play*. Englewood Cliffs, N.J.: Prentice-Hall.

Hart, Roger (1997). *Children's Participation : The Theory and Practice of Involving Young Citizens in Community Development and Environmental Care*. New York: UNICEF.

Moore, Robin C. (1986). *Childhood's Domain: Play and Place in Child Development* London: Croom Helm.

Society for Children and Youth (1999). *Making Space for Children: Re-thinking and Re-creating Children's Play Environments*. Vancouver: author

Contact information:

Valerie Fronczek
Society for Children and Youth of B.C.
3644 Slocan Street
Vancouver, British Columbia
V5M 3E8
Phone (604) 433-4180
Fax (604) 433-9611
Email scy@portal.ca
Web www.scyofbc.org

Gaining Commitment for Child Care through Public Education

by Katherine Covell, Brian Howe & Kelly Campbell

Dr. Katherine Covell is professor of psychology at the University College of Cape Breton (UCCB), Nova Scotia. Dr. Brian Howe is associate professor of political science at UCCB. Dr. Covell and Dr. Howe are the founders and co-directors of the Children's Rights Centre at UCCB and long-time advocates for children's rights. Kelly Campbell, BSc, honours psychology, works as a research assistant at the Children's Rights Centre.

Overview

The purpose of this article is to examine public education as a vehicle to gain public commitment for a strong system of child care in Canada. By a strong system, we refer here to a nationwide, publicly-funded and universal system that provides comprehensive and high-quality child care services to all parents and children who are in need. While we assume the value of parental leave programs and supports for stay-at-home parents, we also believe that it is imperative that the child care system described above be made available.

The context of our analysis is this. Over the past two decades, many promises have been made by political parties and authorities to institute a strong system of child care. These promises, however, have not been realized. The current patchwork system of uneven and inadequate quality, services and funding remains in effect. One reason is the lack of firm public commitment for a strong system, such as to press political authorities into action. It is our position that such commitment can be gained if the public were to be more educated about the importance to society of high-quality child care in the early years, and about the rights of the child under the United Nations Convention on the Rights of the Child (CRC).

Our analysis is guided by the belief that children not only have a need but also a right to high-quality child care. Such a right is recognized in the CRC, which Canada ratified in 1991. Under the CRC, state parties shall undertake all appropriate measures for the implementation of the rights of the child (article 4). These measures include ones "to ensure that children of working parents have the right to benefit from child care services and facilities for which they are eligible" (article 18). They also include measures to ensure that institutions, services and facilities for the care of children meet high standards, and have as their primary consideration "the best interests of the child" (article 3).

In addition, the measures should "ensure that the child is protected against all forms of discrimination" (article 2); this includes access to quality child care. When the Convention is read in its entirety, and when attention is given to the principle that "in all actions concerning children … the best interests of the child shall be a primary consideration," then it is clear that all children have an underlying fundamental right to as high-quality child care as the state can ensure, regardless of their geographic location or socioeconomic status.

In the first part of the article, we examine the state of public opinion in Canada on the issue of child care. Here we find inadequate public commitment to a strong system. In the second part, we identify attitudinal obstacles to commitment. These include the lack of public knowledge about the critical importance of early child development, the persisting belief that children ultimately are the property and thus the responsibility of their parents, and the fear that the recognition of children's rights – including the right to child care – will undermine the integrity of the family. Finally, in the third part, we point to effective public education as a means of overcoming these attitudinal obstacles.

Public Support for Child Care

It often is stated that there is wide public support in Canada for comprehensive and high-quality child care services. For example, in reference to a national poll in 1998, it was pointed out that "nearly 90 per cent of Canadians think high-quality child care is important to help ensure Canada's future social and economic well-being" and that "81 per cent think governments should develop a plan to improve child care."[1] From the perspective of child advocates, the implication from such wide public support is that Canadian governments should feel compelled to establish a strong nationwide system of child care. Clearly, this has not been the case.

During the 1980s and 1990s, both major federal parties promised to increase funding and to establish a more comprehensive system of child care. In the 1980s, the Conservatives reneged on their promise of a national child care program. Then, in the 1990s, the Liberals failed to follow through on their 1993 Red Book commitment to increase public spending on child care. Behind these broken promises was not only concern about the deficit or provincial resistance. It was also the knowledge gained from both private and party polls that the public was not committed to a strong nationwide system of child care.[2] This lack of public commitment allowed governments considerable leeway in what they wanted to do, or not do, about funding child care.[3] By the 1997 and 2000 federal elections, child care was not even raised by the major parties as a serious issue.

The lack of firm public commitment is shown in a recent in-depth analysis of public opinion by Joseph Michalski. He assessed data from focus groups, roundtable discussions and information from public opinion polls carried out over the past 20 years. His findings show

that most Canadians (about three-quarters) agree that the current system of provision for child care needs to be improved. However, they do not agree that what should be provided is a strong nationwide system. Some favour a combination of enhanced parental leave and more accessible child care. Others favour income supplements for parents to take time out of the labour market to be at home with their children. But between and within their varying suggestions, it is clear that a key issue for the public is that of funding. There are many disagreements about who should fund child care. Some agree with a government-funded nationwide child care program, although some of these individuals want only targeted programs for those in poverty. Others suggest shared-funding among governments, families, and employers. Others say the focus should be on improving parental leave. And still others argue for income supplements and tax breaks for parents who stay at home.[4]

In essence, Michalski's findings indicate a public who is supportive of the *principle* of child care, but who are not prepared to undertake funding for a strong *nationwide system* of child care. Those who are responsible for policy are thus free to act or to not act. So far, they have chosen to not act. What is needed to spur action is a public whose commitment is not simply support for a strong nationwide system of child care, but includes commitment to its public funding.

Attitudinal Obstacles to Nationwide Child Care

Obstacles to commitment to a strong nationwide system of child care can be seen in a lack of public knowledge about early child development and the benefits of high quality child care, and in two pervasive belief systems. One is a vestigial belief that children are the property of and thereby the responsibility of only their parents; the other is a belief that granting children independent rights will undermine the integrity of the family.

Our knowledge of the importance of the early environment to the healthy development of the child is not new. In 1940, Freud argued that early experiences have a long-term effect on social and personality development. Consistently since that time, empirical evidence has mounted showing a strong link between early experiences and subsequent development. What is new is our identification of the neurological underpinnings of this link. What we have learned recently is that early experience shapes the development of the brain. We provide a brief summary here.

At birth, the infant's brain has the initial circuits laid out ready for refinement. The subsequent development of the brain is guided by neural activity which is itself guided by experience. The infant's actual brain structure, then, varies with the infant's experiences.[5] Brain growth is most rapid during the first three years of life, which tells us that experiences at this time are critical to subsequent development. Children whose healthy brain growth is compromised by either fetal exposure to toxic substances (e.g., alcohol, tobacco) or by

postnatal exposures to toxic experiences (e.g., inadequate attention, abuse) show deficits in their motor, cognitive and social-emotional development. In contrast, early positive experiences (stable, sensitive and responsive caregiving with age-appropriate levels of stimulation) set up brain circuitry that promotes healthy development.

With some exceptions (e.g., fetal alcohol syndrome), the young brain is malleable and appropriate intervention can lessen or undo harm. The most dramatic examples of the benefits of early interventions come from long-term studies of projects in the United States.[6] The Perry Preschool Program (PPP) is one example. Children who attended the PPP, when compared with their peers who did not attend preschool, showed gains in IQ scores, earned higher grades through school, were more likely to graduate, and had lower rates of teen pregnancy and higher marriage rates. By age 27, the PPP children had lower rates of welfare usage and lower rates of criminal activity. These positive outcomes are in large part a function of providing the children with an environment appropriate for healthy brain development through those critical early years. We note also that such positive outcomes are limited to early interventions. As the researchers noted, there are no comparable gains when enriched environments are provided after the age of five.

Some believe that such child care or preschool programs are of relevance or benefit only to those children living in at-risk circumstances. In consequence, they are supportive of public funding only for programs targeted to children identified to be at-risk. However, there are a number of reasons to avoid targeted programs:

1. Three benefits of universal programs for children have been identified: they assist all children with learning adaptive coping across a wide variety of experiences and situations; the potential for stigmatization is eliminated; and they do not require identification of risk status.[7]

2. In Canada at this time, there are far too many children whose healthy brain development is threatened by inadequate care situations or adverse home environments.

3. As noted by researchers at the Hincks Treatment Centre in Toronto, those children who are most in need of high quality stable child care are also those who are the least likely to experience it.[8]

4. Finally, and importantly, from the research on the effects of child care, we have learned that high quality care does make important differences in children's lives with benefits being apparent for all children.[9]

Although disadvantaged children may accrue the greatest short-term benefits, the benefits to all children and to all society are obvious as indicated in the PPP outcome data described

above. The long-term savings in welfare, justice and health costs far exceed the short term costs of program implementation.[10]

Children as parental property

Another attitudinal obstacle to commitment for a strong system of child care is the persisting concept of children as parental property. In the early 16th century, the infant brother of King Henry IV of France was killed after being dropped during a round of the common game of infant tossing in which, for the amusement of adults, infants were tossed from one window to another.[11] Though our society has progressed significantly since that time, we do continue to see our children as the property of their parents. Despite the growing concept of children's rights since the Second World War, the traditional belief that children are family property has proven to be resilient.[12] As Onheiber stated, a concept so deeply embedded in a society's history and culture is not so easily changed.[13] Such a proprietorial view of children stands in contrast to the CRC definition of a child as an independent bearer of rights.

There are a number of areas in which the proprietorial concept is manifest. These include legal cases in which judges and government officials have asserted that parents have a right to a "protected sphere" in which to raise their children[14]; adoption policies that allow parents to change a child's name, discard photographs of the child's history and prevent contact with previous caregivers[15]; and the difficulties faced by child protection workers in removing a seriously at-risk child from a known abusive or neglectful home. The lingering belief that children are the property of their parents is reflected also in resistance to various initiatives that are designed to enhance children's rights such as the repeal of Section 43 of the Criminal Code (which provides a legal defence for the physical assault of children), and the establishment of a strong system of child care.

Overall, it appears that there remains a belief that the family must have its privacy and autonomy respected, and that parents know best in matters of raising their own children and should therefore be free so to do. And if parents are to be free to raise their children as they wish, free from societal interference (except in extreme circumstances), then parents are also responsible for *only* their own children. And since they do not own others' children, they cannot be held responsible for others' children.

There *is* public acceptance of societal responsibility for the provision of health care and education for children of school age. In both instances, the necessity of public funding for the benefit of all is readily accepted. There is widespread knowledge to society as a whole of the importance of an educated population and of the availability of health care. Such acceptance has not generalized to the provision of early childhood education or child care. Not only do we continue to see young children as the property and therefore the responsibility of their parents, but also we see widespread lack of knowledge about

children's rights under the CRC. This is evidenced by suspicion about and resistance to taking a rights-based approach to policy initiatives – an approach that suggests a strong nationwide system of child care be made available to all who wish or need it.

Child care undermines the authority of the family

The final attitudinal obstacle to be discussed here is the pervasive belief, stemming from a lack of public knowledge about the CRC – that granting children rights will undermine adult authority and the integrity of the family. Such a belief has been expressed, for example, in initiatives to educate children about the CRC. In 1999, a national election on children's rights was administered jointly by UNICEF Canada and Elections Canada. Children in more than 1000 schools across the country voted for the right they felt was most important to them. The election was opposed by some parent groups who expressed concern that this would undermine the authority of the family. But to the surprise of many, the right voted to be the most important was the right to a family (24% of total votes). Despite this result, there remains considerable adult resistance to accepting or promoting children's rights

Some concern also has been expressed by teachers who have been asked to teach children's rights in schools.[16] How, they ask, can we maintain our authority in the classroom or in our homes if children know they have rights? Concern also has been expressed by parents of students who are learning about their rights.[17] How, they ask, will we be able to control and direct our children if they know their rights? Isn't the CRC anti-family? These questions likely would not be asked if there was accurate knowledge of the CRC.

Rather than posing a threat to the family, the Convention recognizes the central importance of the family to the development of the child. In the CRC the family is described as "the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children." In the preamble, it states that "...the child, for the full and harmonious development of his personality, should grow up in a family environment..." Respect for the family is referred to many times. In article 13, for example, the state shall respect the rights and duties of the parents (or guardians) "to provide direction to the child in the exercise of his or her right...." Article 7 describes the right of the child "to know and be cared for by his or her parents.

In the various articles on the rights of provision, the state is charged with providing assistance to parents or guardians caring for children with disabilities (article 23), with health care (article 24), with basic necessities (article 27), and with child rearing in general (article 18) and child care in particular (article18). In essence, the CRC requires its signatories to assist parents with the raising of children. It makes no attempt to supplant parents. The framers of the CRC assumed that, for the most part, parents would provide for their children. When they need help, such as in the area of child care, the state is responsible for providing support.

If knowledge of the CRC were more widespread, there might be less reluctance to promote the rights articulated within it. In the absence of knowledge, the tendency has been to equate rights with freedoms,[18] and to be wary of implementation efforts. To increase public support and commitment for a strong nationwide system of child care, it is necessary, then, to increase knowledge of early child development, to change the view of children as parental property and to increase overall knowledge about children's rights.

Overcoming Obstacles

There is considerable evidence that changes in public attitudes can be achieved through education. Such changes have been demonstrated clearly in the assessment of the impact of education concerning parental disciplinary styles, the link between healthy child development and child advocacy, and children's rights. We provide examples of each below.

In 1979, the government of Sweden acknowledged the link between corporal punishment and child abuse by being the first industrial society to adopt a ban on corporal punishment in the home. The new legislation was accompanied by a massive educational campaign to inform parents of the law and of alternatives to corporal punishment. Ten years later, significant reductions in child abuse, child homicide and child apprehensions provided clear indicators of the success of the parent education.[19]

Another example of successful parent education in Sweden has been demonstrated among parents of children who attend Head Start. The policy has been to teach these parents about healthy child development and child advocacy. This education has been shown to promote attitudes supportive of the rights of the child. Gullo & Turben administered a survey to two groups of parents: parents of children enrolled in a private preschool, and parents of children attending Head Start. The survey contained items based on actual or proposed Swedish laws, and each item was based on a law that had increased or would increase the provision of children's rights. Parents were asked to indicate their level of agreement with these statements. The findings showed that the Head Start parents were more accepting of rights-based laws than were the private preschool parents. This difference in parent attitudes is attributed to the education given to the parents of the Head Start children.[20]

The third example is found here in Canada. Education about children's rights and the impact of rights violations has been shown to promote attitudes supportive of the CRC. Empirical evidence exists with teachers who are asked to teach the CRC and the impact of rights violations: with the general public when informed of the long-term impact of

rights violations in early childhood; and with university students who learn about the CRC and children's development.

Covell, O'Leary & Howe studied the effects of increased knowledge of children's rights under the CRC on grade 8 teachers' support for children's rights. These teachers were employed in schools where a new grade 8 curriculum on children's rights was being implemented. Prior to the implementation of the curriculum, teachers' support for children's rights was assessed, and no initial differences among teachers were discovered. Support for children's rights was reassessed at the end of the school year. It was found that the more teachers had used the curriculum, the greater their support for children's rights. It appears this increase in support arose from increased knowledge of what children's rights actually are, knowledge that was gained while teaching the curriculum activities.[21]

Evidence also suggests that when adults are educated about the importance to child development of providing for children's rights and about the consequences of rights violations adults' views toward children change. Examples of this come from studies of attitudes toward young offenders.[22] Many adults have harsh and punitive attitudes toward young offenders. However, when they are educated about the often-dysfunctional family backgrounds of these youth (i.e., the rights violations they experienced as children), their attitudes become less punitive and more supportive of a rights-based and rehabilitative approach to young offenders.

The existing evidence, then, indicates that knowledge of child development, of children's rights and of the consequences of rights violations does increase support for implementing programs that support children's rights. Public education, therefore, should eliminate two of the major attitudinal obstacles to support for a strong nationwide system of child care – lack of knowledge of early child development and misperceptions of children's rights as "anti-family."

This raises two questions. First, how effective would it be to incorporate these three components (knowledge of child development, of the CRC and of the consequences of rights violations) into one educational strategy? Second, would this decrease the view of children as property, thus eliminating the last attitudinal obstacle to support for and commitment to a strong system of child care?

Effects of an Educational Approach

We[23] studied the effects of such education on adults' knowledge of children's rights, support for children's rights and views of children as parental property. The target group

was a third-year university class taking a course on children's rights. The course consists of a blend of law, public policy and developmental psychology. Students are instructed on the rights accorded to children by the CRC, and on Canadian laws and practices that may or may not provide for these rights. Students are also instructed on the importance of rights being met to healthy child development, and on the negative consequences of rights violations. Knowledge of children's rights, support for children's rights, and views of children as parental property were assessed in the study at both the beginning and the end of the course. For comparison purposes, the same measures were taken with a class of students in third year English who had no children's rights education.

No differences existed between the children's rights class and the English class on any of the measures taken before the courses began. At the end of the courses, however, although the students in English maintained their same attitudes, those who took the children's rights courses showed significant changes. After receiving children's rights education, students had greater knowledge of children's rights, had more support for children's rights and had significantly decreased their views of children as parental property. Children's rights education, therefore, not only increased knowledge of children's rights; it also changed the students' fundamental attitudes toward children and children's rights.

In summary, we are not suggesting that education is the sole solution to the challenge of gaining public commitment for a strong nationwide system of child care. Nonetheless, the existing evidence suggests that public education on child development, children's rights and consequences of rights violations will increase commitment for such a system. Knowledge of early child development should increase awareness of the importance of the early environment, and thereby the importance and benefits of high quality child care. Knowledge of the CRC should increase support for children's rights, including the right to be treated as an independent bearer of rights and the right to quality child care. Knowledge of the impact of rights violations should increase awareness of the importance of the early years, and of the importance to society as a whole, that children be provided with an appropriate early environment.

Furthermore, education in these three areas should decrease views of children as parental property. When children are not considered the property of their parents, they can be understood as independent persons with inherent rights that must be provided for. This, then, increases the sense of collective responsibility for children, promoting public acceptance of societal responsibility for the provision of child care. Therefore, public education should not only increase support for a strong nationwide system of child care; it should also create the firm public commitment necessary to turn this support into action.

Endnotes

1. Friendly & Lero, 1999
2. Wood & Allen, 1993
3. c.f., Doern & Phidd, 1992; Dyck, 1996
4. Michalski, 1999
5. Joseph, 1999
6. Karoly, Greenwood et al, 1998; Ramey & Ramey, 1998
7. Weissberg & Greenberg, 1998
8. Cohen, 1994
9. e.g., Lamb, 1998
10. For further discussion see Covell & Howe, 2001
11. Walker, Brooks & Wrightsman, 1999
12. Howe, 1995
13. Onheiber, 1997
14. Howe, 2001
15. Brennan & Noogle, 1997
16. Covell & Howe, 2000
17. Covell & Howe, 1999
18. ibid
19. Durrant, 1999
20. Gullo & Turben, 1986
21. Covell, O'Leary, & Howe, 2001
22. Covell & Howe, 1996; Doob & Roberts, 1984
23. Campbell & Covell, 2001

References

Brennan, S. & Noogle, R. (1997). The moral status of children: Children's rights, parents rights and family justice. *Social Theory and Practice*, 23 (1) 1-26.

Campbell, K.M., & Covell, K. (2001). *Effects of children's rights education on adults' rights knowledge, rights support, and views of children as parental property*. Manuscript in preparation, Children's Rights Centre, University College of Cape Breton.

Cohen, N. (1994). The protective role of day care for mainstreamed high-risk infants and preschoolers. *Canadian Journal of Community Mental Health*, 13 (2) 61-76.

Covell, K., & Howe, R.B. (1996). Public attitudes and juvenile justice in Canada. *International Journal of Children's Rights*, 4, 345-355.

Covell, K. & Howe, R. B.(1999). The impact of children's rights education: A Canadian study. *International Journal of Children's Rights*, 7, 171-183.

Covell, K. & Howe, R. B. (2000). Children's rights education: Implementing Article 42. In A. Smith, M. Gollop, K. Marshall & K. Nairn (Eds), *Advocating for Children* (pp.42-50). Dunedin,N Z.: University of Otago Press.

Covell, K. & Howe, R. B. (2001) *The Challenge of Children's Rights for Canada*. Wilfrid Laurier University Press

Covell, K., O'Leary, J.L., & Howe, R.B. (2001). *Introducing a new Grade 8 curriculum in children's rights*. Manuscript in preparation. Children's Rights Centre, University College of Cape Breton

Doern, G.B., & Phidd, R.W. (1992). *Canadian Public Policy*. Toronto: Nelson Canada, 225-226.

Doob, A.N., & Roberts, J.V. (1984). Social psychology, social attitudes, and attitudes toward sentencing. *Canadian Journal of Behavioral Science*, 16, (4), 269-280.

Durrant, J. (1999). Evaluating the success of Sweden's corporal punishment ban. *Child Abuse and Neglect*, 23, 435-448.

Dyck, R. (1996). *Canadian Politics: Critical Approaches*. Toronto: Nelson Canada, 329-333.

Friendly, M. & Lero, D. (1999). Child care support is strong while services fragment. In Canadian Council on Social Development (CCSD), *The Progress of Canada's Children: Into the Millennium*. Ottawa: CCSD.

Freud, S. (1964). An outline of psychoanalysis. In J. Strachey (ed. & trans.) *The Standard Edition of the Complete Psychological Works of Sigmund Freud* (Vol 22). London: Hogarth Press (original published in 1940).

Gullo, D.F., & Turben, S.K. (1986). A study of preschool parents' and child development experts' views concerning child rights legislation. *Early Child Development and Care*, 24, 155-168.

Howe, R.B. (1995). Evolving policy on children's rights in Canada. In K. Covell (Ed.) *Readings in Child Development* (pp. 3-27), Scarborough: Nelson Canada. pp.3-27.

Howe, R.B. (2001). Do parents have fundamental rights? *Journal of Canadian Studies*. (in press)

Joseph, R. (1999). Environmental influences on neural plasticity, the limbic system, emotional development and attachment: A review. *Child Psychology and Human Development*, 29 (3), 189-208.

Karoly, L.A., Greenwood, P.W., Everingham, S.S., Houbé, J., Kilburn, M.R. et al (1998). *Investing in Our Children. What We Know and Don't Know about the Costs and Benefits of Early Childhood Interventions*. Santa Monica, CA: Rand

Lamb, M.E. (1998). Nonparental child care: Context, quality, correlates and consequences. In I. Siegel and K.A. Renninger (Eds), *Handbook of Child Psychology, 5th ed. Psychology in Practice* (pp. 73-133). New York: John Wiley & Sons.

Michalski, J. (1999), *Values and preferences for the best policy mix for Canadian children*. Ottawa: Canadian Policy Research Networks

Onheiber, M.D. (1997). Toward a reorientation of values and practices in child welfare. *Child Psychiatry and Human Development*, 27 (3), 151-164.

Ramey, C.T. & Ramey, S.L. (1998). Early intervention and early experience. *American Psychologist*, 53 (2), 109-120

Walker, N.E., Brooks, C.M. & Wrightsman, L.S. (1999). *Children's Rights in the United States: In Search of a National Policy*. Thousand Oaks, CA: Sage

Weissberg, R.P., & Greenberg, M.T. (1998). School and community competence enhancement and prevention programs. In W. Damon & N. Eisenberg (Eds), *Handbook of Child Psychology Vol.3, Social, Emotional and Personality Development* (pp. 877-954), New York: John Wiley & Sons.

Wood, N., & Allen, G., (1993). Who cares? *Maclean's* 106, 22.

Contact information:

Dr. Katherine Covell
Children's Rights Centre
Room CC251
University College of Cape Breton
P.O. Box 5300
Sydney, Nova Scotia
B1P 6L2
Phone (902) 563-1440
Fax (902) 562-0119
Email kcovell@uccb.ns.ca
Web http://faculty.uccb.ns.ca/childrensrights

The Road Less Travelled: The CRC and Indigenous Children

by Philip Cook and Natasha Blanchet-Cohen

Dr. Philip Cook, PhD, cross-cultural psychology, is founder and director of the Institute for Child Rights and Development at the Centre for Global Studies, University of Victoria. He has published extensively on issues relating to children's rights and marginalized youth in the context of culture and development.

Natasha Blanchet-Cohen, MA international affairs, MA, public policy, is coordinator of the Institute for Child Rights and Development. She has worked in the area of children's rights since 1996, focusing in particular on work with indigenous children, youth participation, and children and the environment.

Since the adoption of the United Nations Convention on the Rights of the Child (CRC)[1] in 1989, the global community has seen significant changes in the way that children are valued and their rights respected. Nonetheless, at the celebrations for the 10th anniversary of the CRC, it was pointed out that the CRC has a great distance to go in improving the lives of all children (UNICEF, 1999). Many children continue to live in the shadows of the CRC's success, and Indigenous children are high on the list of the world's most vulnerable young people. In this sense, the CRC remains as yet "a road less travelled." This road holds many challenges as well as opportunities. The following paper begins the process of charting a road that promotes a better understanding of the rights of Indigenous children, and that provides some useful guiding signposts for all who walk on this road with children.

Overview

In Canada and elsewhere, insufficient attention has been paid to using the CRC framework for improving the lives of Indigenous children. This is ironic in light of Canada's special statement of understanding on Article 30 (the right of Indigenous children to their language, culture and religion) when ratifying the CRC in 1992. The CRC can be a powerful tool — for Indigenous peoples, front-line workers, government and non-governmental organizations — for devising, implementing and evaluating culturally-appropriate community-level programs for young and older children. This paper examines its potential by drawing on the experiences of the Institute for Child Rights and Development (ICRD), which has attempted to breathe life into the CRC since 1985, through research and education with Indigenous peoples from Canada and elsewhere.

The paper begins by presenting the meaning of the CRC and the implications for those working with Indigenous children, with particular reference to Canada. In the conclusion to this section, an Indigenous Children's Rights framework is presented that can be used to guide practitioners and programmers' work with young and older Indigenous children. We discuss some of the challenges encountered in promoting the CRC amongst Indigenous communities. Finally, the importance of providing training for professionals who work on the CRC with Indigenous children is discussed. Practical applications of such training and educational strategies are presented.

CRC and Indigenous Children

The rights addressed in the CRC cover the entire range of human rights: civil, political, economic, social and cultural. All of these rights are relevant to Indigenous children, for the CRC guarantees rights to every child, irrespective of ethnic origin, disability, gender and race. The Convention specifically refers to the rights of Indigenous children in three places: Article 17 focuses on the right to culturally-representative mass-media and information; Article 29 deals with the right to culturally-appropriate education; and Article 30 provides an all-encompassing statement that: "...a child...who is Indigenous shall not be denied the right, in community with other members of his or her own group, to enjoy his or her culture, to profess and practice his or her own religion, or to use his or her own language."

It is interesting that in an initial draft of the CRC, presented by the Polish government during the 1979 International Year of the Child, no specific mention was made of Indigenous children. Article 2 on non-discrimination was considered all-inclusive and sufficient. Specific mention of a child of Indigenous origin was later included as a result of requests made by several state delegations and Indigenous NGO's to the CRC Working Group.[2] The request for protecting Indigenous children's cultural identity in Article 30 was initially made by the Four Directions Council, a Canadian Indigenous NGO.

Article 30 has far-reaching implications for all the Conventions articles: it outlines the need to support the rights of Indigenous children in ways that uphold Indigenous cultures. In a 1996 gathering, *Caring for Indigenous Children: Capacity-Building for Indigenous Children's Rights*, the right to equality and the right to be different were repeatedly reaffirmed.[3] At this unique gathering, Indigenous youth and elders from 20 nations around the world came together with leading child rights experts to discuss the issue of Indigenous children's rights. It was agreed that providing the rights referred to in the Convention must take place in the context of supporting Indigenous values.

Although every Indigenous culture is unique, the following shared values were identified:

1. the sacredness of the continuity of life and connections to past generations;
2. the importance of family;
3. the fundamental role of nature and natural law to al aspects of life; and
4. a commitment to spiritual health and well-being.

According to the conference delegates, these four values constitute the context in which the CRC is to be implemented.

This paper now presents some of the implications of Article 30 and these shared Indigenous values. Although the CRC is an indivisible document – with no core article taking precedence over another – the CRC articles can be subdivided under four categories: development; survival; protection; and participation. All 41 articles covering the substantial rights provided by the CRC can be included under one of these categories.

Development

A child's right to development involves ensuring normal physical, emotional and psychological development through the provision of such elements as a supportive family environment, constructive play and culturally appropriate education. Articles of the Convention that address these rights include Articles 13, 18, 28-31 and 42 dealing with freedom of expression, and the right to appropriate education and play. A child's right to their identity, name and nationality, as stated in Articles 7 and 8, also fall under the development provision since a child needs to know who he is and where he is from to live a life with dignity.

There are many ways that Indigenous culture should be taken into account in implementing the articles addressing the development provision in the CRC. First is the integral importance of the land as the foundation of almost all Indigenous cultures, and hence to an Indigenous child's development. Although non-Aboriginal peoples are concerned about environmental degradation, Aboriginal peoples are particularly affected because of their deep connection to the natural world.[4]

Cultural teachings and ways of knowing are typically tied to the place where Indigenous peoples live. In places where Indigenous peoples have been forced to move from their traditional lands, their families, communities and cultural traditions supporting children have suffered. In Canada, the creation of reserves and the placement of children in residential schools has severed the connection to the land with disastrous consequences on many Aboriginal peoples and their children.[5] Therefore, development as expressed in the CRC needs to take into account the historical connections that have protected children for generations. Cutting these ties will likely undermine a child's well-being; conversely, mending the broken ties requires knowledge of a child's historical cultural context.

The recognition of one's language and ways of learning are also central to the development of healthy children and youth. Elders, as traditionally-trained experts, generally play a key role in teaching children about cultural traditions and ways of behaving. They are the story-keepers and the holders of knowledge to be passed on from one generation to another. By experiencing, listening and observing, a child discovers the many cultural facets of his or her people, and the ways to conduct one's life.

This issue has many implications for all professionals working with Indigenous children and, perhaps most importantly, points to the need to recognize that an Indigenous child's developmental needs may differ from those of a non-Indigenous child. Developmental pathways are not naturally occurring phenomena, but result from the marriage between culture and biology. "Cultures carry the stream of meaning, memories, languages, and practices that convey the scripts and rules for social conduct and understanding."[6] These differences need to be honoured and reflected in one's approach to working with children and their families. An example of this principle might be giving a child the opportunity to explore his or her origins. Helping to build self-esteem can be critical to Indigenous youth who walk between two or more worlds. Floy Pepper, a Creek educator, developed a set of 10 questions that can be used to guide work with Indigenous children, helping them to discover and honour their cultural roots, and supporting healthy self-identity (see Figure 1).

FIGURE 1

Ten Identity Questions

1. Who are my people?
2. Where did my people begin?
3. Where did my people come from to get here? When?
4. Where and when did my people move? How many of my people moved?
5. Where are my people now?
6. What have my people contributed?
7. What was done to my people? When? How?
8. What are the responses of my people to what was done to them?
9. What are my people culturally? Physically?
10. How are my people now? Where are my people today? What are they doing?

-by Floy Pepper, Creek Elder and Educator

ICRD undertook a similar task with a group of Coast Salish youth from a local First Nation community in Victoria.[7] It led us in many directions, such as looking for Salish archival family pictures in the local museum, making a paddle, discovering traditional food and ways of collecting them, learning about the language, spending time in sacred sites, learning about the traditional territory, mapping the young people's reserve, and sitting down and hearing the elders share the creation story. Based on the youth's weekly attendance, the positive feedback from parents, community members and the chief, we found that there were many benefits to this type of program. Cultural activities and approaches made the youth feel proud of who they were and where they came from.

To help the youth coexist within their own cultural institutions and the modern world, it is urgent to make connections with living cultural resources. The recognition of cultural rights is essential to support the journey of youth to becoming leaders of tomorrow. This is a journey in which many Indigenous youth currently struggle, as evidenced by high school drop-out rates, abusive drinking patterns, indulgence in TV, and feelings of boredom, frustration and anger. Child-focused institutions such as child care facilities and schools need to recognize and accommodate cultural rights as called for by Article 30, and specifically by Article 29, which lay out the goals for education.

In a project undertaken with children from the Lau-Wel-New Tribal on the outskirts of Victoria, we found that integrating cultural activities into the school curriculum involved building bridges between the child, the family and the community. Strengthening these links helped reaffirm a student's identity and self-esteem.[8] This experience points to the importance of involving the whole system that supports children's well-being, rather than only focusing on an individual.[9] This is an issue that is often missed. Not reducing the deep rift between the school and the home can lead to school problems including dropout. Current statistics estimate that dropout rates reach 70-90% by grade 9 for Aboriginal children in a number of Canadian Aboriginal communities.[10]

Hearings undertaken across Canada in 1996 by the Royal Commission on Aboriginal Peoples indicate that child welfare services and schools too often fail to incorporate Aboriginal value systems and world views. Although a number of interesting programs have been put in place, these remain isolated and much more needs to be done to integrate culture in appropriate ways. In light of Article 30, implementing the CRC's provision on the right to development requires addressing children's cognitive, emotional, physical and social needs, as well as providing a sense of place and social space through a broad-based approach that includes cultural values supportive children. This is not an easy task, but is necessary to fully implement CRC principles.

Survival

The right to survival includes providing every child with adequate food, shelter, primary health care, waste disposal and clean water. Statistics on levels of poverty, inappropriate housing facilities and sanitation systems for Aboriginal peoples in Canada suggest that provisions have yet to be made for Aboriginal children to benefit from the same services as non-Aboriginal children.[11] Indigenous peoples have often been severely discriminated against because of language barriers, geographical isolation, or racist attitudes by state personnel. The recent water contamination in North Battleford, Saskatchewan, underlines this problem. While progress has been made in improving the living conditions of many Aboriginal peoples, parity has yet to be reached with non-Aboriginal Canadians. As a result, many Aboriginal children continue to be over-represented in the most shamefully severe conditions of poverty in one of the wealthiest countries in the world.

Meeting the survival rights of Indigenous children may not involve providing exactly the same form of services for the rest of Canada. In fact, too often giving the same services regardless of the people and location has failed to meet the developmental needs of children. For instance, schools have been built without windows in extremely hot places, and sanitation systems requiring water have been set-up in areas with water shortage, and so on. The point is that services that meet the survival needs of Indigenous communities and their children must be developed in partnership with Aboriginal communities. Those who would benefit from the services know best what they need. This obvious principle is often forgotten. As pointed out in the discussion on development, the participation of the community and family are essential for providing children's well-being. Children's needs must be met in the context of their community.

Implementing the articles relating to survival in light of Article 30 may involve supporting traditional teachings (ceremonies, practices) and healing. Traditional medicine offers a holistic approach to both health and healing, and sees a person's well-being as achieving balance in the emotional, spiritual and physical aspect.[12] Those who work with Indigenous children need to understand local approaches to illness and to identify ways of incorporating them into their work, again in partnership with the community and children. This does not downplay the importance of providing bio-medical medical services such as immunization and hospitals, nor does it lessen the right of Indigenous children to the same level of health care as their non-Indigenous peers.

Protection

The CRC's provision on protection covers children's right to protection from abuse (mental and physical), neglect, illegal adoption, sexual exploitation and all forms of exploitation. These provisions are laid out in Articles 6, 2, 3, 11, 16, 19, 22 and 32-40 dealing with the

rights to be protected from abuse and neglect, from sale and trafficking, and from punishment and detention. In healthy communities, the family and the community protect children through all-inclusive values and respect for children.[13] Values supporting various protection practices and support systems that care for children provide children with the confidence to grow up to be healthy adults. A history of colonization, in which policies of assimilation and modernization were promoted, have often resulted in fragmented and disconnected cultures. Years of systematic suppression of Indigenous peoples have, in many instances, eradicated the wisdom of oral traditions, traditional ecological knowledge and healing rituals. This pattern is further perpetuated when child-centred agencies do not recognize the role that culture plays in protecting children.

In court cases dealing with the adoption of First Nation children in Canada, Kline's analysis of case law indicates that culture is rarely considered as a variable in the best-interests principle.[14] In many Indigenous communities, the extended family raises the child of another member of the family if the parents cannot carry out the responsibility.[15] Courts have frequently ignored this tradition, and sent the child to live far away from their community of origin. The tragic stories of these adopted children point to the lifelong harm this can create.

While emphasizing the importance of culture, all decisions by policy-makers must continue to reflect the spirit of the Convention. There are cases where culture needs to be weighed against other principles of the Convention, and cultural traditions need to be reassessed. While arguing that there is an urgent need for and a benefit to meaningfully acknowledging culture, cultural practices must not be seen as immune from criticism and reform efforts.[16] For instance, if members of the extended family want to adopt a child but cannot provide a safe-environment, the cultural factor needs to be more critically regarded in the decision-making equation. Thus, while the "best-interests test" must place the child's well-being above all other considerations, their well-being must always be interpreted with respect to the key role of family (including extended family), community and culture.

Drawing on cultural strengths can also be important in identifying healing approaches for children who have suffered from different forms of abuse. In the case of sexually-exploited children, Aboriginal youth often talk about the importance of cultural connections as being central to their healing process, whether it be sweatlodges, powwows, fasting, artwork or listening to the elders teachings.[17] Equally significant in the healing process of these youth is the process of re-integration into the community.

Participation

The task of addressing the question, "What does participation involve?" is often overshadowed by Western concepts of participation that emphasize being outspoken, demonstrative and assertive. In Indigenous settings, however, this conceptualization

becomes complicated due to the nature of gender roles, of child-adult relationships, of the status of elders and of cultural norms on young people's expression.

In traditional Indigenous communities, children at a young age participate by being included in all activities that take place in the community. They accompany their parents to work, and in their daily chores. They are constantly talked to, which, through a process of experiential learning, prepares them to become responsible adults. This journey starts as early as when the baby is in the mother's womb. It is believed that children earn the right to speak through age, experience and maturity. To speak in front of elders is generally considered inappropriate and disrespectful. In this context, participation is conceptualized in terms of respect, cooperation, listening and observation. These forms of participation are often ignored in western settings.

As mentioned in the section on protection, implementing Article 30 does not mean advocating for every cultural norm and practice. Not all cultural practices support children's well-being, and some traditions may need to be changed to reflect a different time and a different reality. Youth participation may be an area where this is the case. Forms of participation that meet the present cultural needs of Indigenous youth have to be developed.

The following words of the Chairwoman of the 1999 Nunavut-Wide Inuit Youth Forum support this:

> "We have to find a way to do this [youth representation] that is right for us. We need to work in a way that respects our elders, we can't just be involved at a political level without respecting that. We need to find out how youth can be involved in a way that promotes everything that we need both the traditional and modern aspect. As leaders, we need to think about all of that, we need to be conscious of our responsibility to protect out unique interests as Inuit. That is why we are here, to give the youth of Nunavut a way to do this that is Inuit, that comes from you and will be in your best interest."

At the Inuit forum, youth discovered that the strongest allies of youth participation were their grandparents, not their parents. This middle generation was often not receptive to youth's voices and demands. In every society, accepting youth participation requires a change in cultural attitude that may be feared, especially for those who are in positions of power and may see youth voice as taking away some of their authority.

A child care worker, a social worker or any professional working with Indigenous children needs to learn to recognize and honour different forms of participation. This sometimes requires being particularly attentive to quiet and subtle ways of expression. The CRC recognizes many forms of expression of participation (Article 13), including diverse cultural forms of individual and collective expression (i.e. artwork, drama and creative dialogue) as

well as participation through receiving information. These rights then need to be further supported through the right to freedom of thought, conscience and religion as well as through freedom of association with peers and family members, neighbours and friends, spiritual leaders and others (Article 15). In summary, participation is the capacity for every child at all ages to engage meaningfully with all forms of their human and natural environment.

Youth participation is equally important for young children. The amount and value of the information that can be gathered from young children themselves can be surprising. In a project undertaken in a poor district of London, England, 4-5 year-olds were asked to draw how they wanted their playground to look. Children drew cemented playgrounds.[18] Adults had assumed that a playground with grass would be preferred, but the children pointed out that grass prevented them from seeing broken glass, dog excrement and discarded needles used by drug addicts in their community.

For young children in child care settings, the right to play, as articulated in Article 13, is of primary importance as a form of self directed participation. Play is especially important to healthy human development and links the CRC guiding principles of participation and development. Cultural forms of play are therefore an important means of promoting the rights of Aboriginal children.

An Indigenous Child Rights Framework

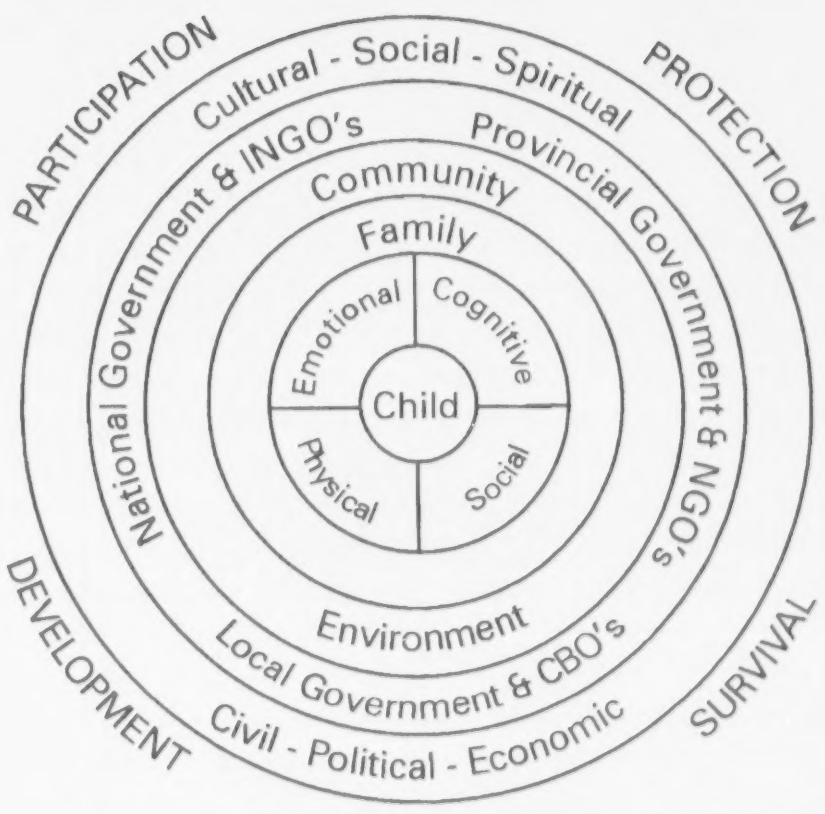
The diagram presented in Figure 2 represents a "child rights framework" that can be used to discuss and implement a rights-based approach. The framework is adapted from Bronfenbrenner's model on the ecology of human development[19] and brings together the points made above. The figure places each child at the centre of a series of concentric, nested circles representing differing layers of support networks. The child's basic human developmental needs are represented in the inner physical, cognitive, emotional and social quadrants. The next levels address the support of the child's family. This is comprised of various family patterns including nuclear, extended, fragmented, alternative guardians and other immediate primary care providers of children.

The next level includes the community and the child's natural and human-made environment. It recognizes that each child's development will take various routes and forms based on each child's "developmental niche". This system is comprised of cultural values influencing children's development, specific child rearing patterns, and the environmental conditions influencing variations in healthy growth and development. The environment includes such things as the presence or absence of child-friendly community structures (e.g., play spaces, safe housing, availability of fresh drinking water), as well the direct impact of the local natural environment (e.g. tundra, prairie, coastal systems) on children's development.

The next layer addresses the roles of various forms of government, including local government, provincial/territorial or state, and national and regional, as well as the presence or absence of alternate forms of governance (e.g., NGO's) and of civil society. The final level of the diagram represents the presence of local and national values that are either supportive or non-supportive of children's civil, political, social, economic and cultural rights, and the role of spiritual beliefs that influence children's physical and moral development (e.g., support for girls to attend school; values promoting children's participation in various community activities).

FIGURE 2

Child Rights Framework



The 4 CRC guiding principles portrayed on the outside of the diagram represent cross-cutting themes that emerge in each of these levels. These are either strengths or weaknesses in these systems insofar as they promote a rights-based approach. For example, national attitudes that downplay the importance of Aboriginal language discriminate against a child's right to their cultural heritage and are not in a child's best interest in promoting healthy relations with family and community. As such, they do not support healthy development in keeping with traditional Indigenous social values. They violate the child's right to participate fully in cultural and religious activities beneficial to healthy human development.

Typically, stronger links between each system of circles results in children having healthier connections through positive relationships with their human and natural environment. This in turn leads to healthier individual and community development. Conversely, situations of extreme social and political upheaval, such as those experienced by First Nations peoples in Canada since contact, children's capacity to form healthy relations with community culture and the land are greatly diminished. This leaves children increasingly vulnerable to secondary problems, such as high levels of community violence, abuse, exploitation, and other associated dangers like HIV/AIDS, and drug and alcohol abuse.

Challenges in Implementing the Rights of Aboriginal Children

The provisions of the CRC offer exciting and innovative opportunities for improving the lives of children in ways that respect cultural differences. As we continue to explore the implications of the CRC, we need to understand how it has been perceived by Indigenous peoples. In our work with Indigenous communities, we have come across a number of points that have been raised regarding the CRC. Below, we discuss some of these challenges and offer some reflections.

First, it is common amongst Indigenous peoples to find that children's rights is generally perceived as a foreign concept. In many Indigenous languages, there is no direct translation of the term "rights." Linguists often have to create a new term. The terms chosen generally reflect cultural interpretations. A commonality to many Indigenous cultures is to emphasize collective rights, as opposed to individual rights. The Inuit use the word "pijunnautiit" for rights; the literal translation is "instruments by which one can or is made able to do something." The root "pijjuti" is described as "the means, faculty, possibility" so "what people possess as the means, faculty or possibility." The Wayuu in Venezuela use the word "sujutu," which literally translates into the integral value of humanity. The components are spiritual, physical, collective and involve a connection to the earth. In other words, the central aspects of Wayuu collective and moral values on right livelihood are included.

The singling-out of childhood from 0 to 18 years of age in the CRC is also foreign to many Indigenous peoples. Many cultures contain rites of passage that mark the transition from childhood to adulthood. The age at which this happens varies from culture to culture and from individual to individual, depending more on personal readiness than actual physical age. For the Inuit, the age of majority is not reached until later in life, and is a qualitative reflection of life experience. Inuit Elders consider youth as a phase that can extend well into the mid- to late twenties or even early thirties. The Inuit culture refers to young adults as "makkuktut" or "inangupaliajut" meaning on the way to becoming adults. Majority status is seen as a right that is granted through experience.

In working with Indigenous communities, special attention needs to be paid to the community's definition of children's rights and its applicability in the present context. Fundamental to the perceived cultural clash between the CRC and Indigenous cultures is the fact that Indigenous people's question the need for the CRC when its content appears commonsensical. Similarly, many traditional Indigenous cultures already possess a well-developed concept of children's rights, even if not identified as such. It must therefore be reinforced that the CRC was put in place to guarantee the well-being of all children in the context of their local communities. The CRC should not threaten existing cultural practices that support children's well being. It does require greater dialogue with Indigenous peoples to see where their culture fits with the vision articulated in the CRC.

The reality is that many Indigenous children have unduly suffered from human rights violations. Indigenous children through discrimination have experienced this to a high degree, and are thereby the prime candidates for rights-based interventions. The challenge is to ensure that these interventions are discussed and implemented in partnership with local communities, and not imposed as the next phase of colonization. An examination of the current national and international scene indicates that Indigenous leaders and organizations focus their energies on land and political rights. In the meeting of the working group of Indigenous peoples in Geneva, children's rights have rarely been included on the agenda and the CRC rarely features amongst the stated international conventions that protect Indigenous peoples rights.

Of course, a strong connection exists between children's rights and land and political rights. In Venezuela, for instance, during recent constitutional reforms, an Indigenous women's organization, the Wayuu Women's Network, shifted its entire work with children and women to organizing information sessions on the constitution. As they explained, this was all part of the same work. Constitutional reforms that provide Indigenous people's rights will protect children and women, providing the context essential for practising their culture.

However, Indigenous women leaders often consider that children and youth should be a greater priority in their struggle. In the words of a Coast Salish grandmother and elder: "Our youth are dying each day. There is an urgent need to reach out to our young people, to be

creative and innovative. I tell our politicians, the land claims are of no use if our kids are six feet below the ground."[20]

Another reality is that Indigenous organizations have limited human and financial resources and cannot focus on all the issues. Many organizations are overwhelmed by the urgency of day-to-day issues, which prevents long-term planning and strategizing for their work.

Finally, Indigenous peoples find it problematic to take ownership of the CRC because the CRC is ratified by State Parties and not by minority groups. In many cases Indigenous peoples are in conflict with the States on a range of issues, including such fundamental issues as the recognition of traditional territory. In these cases, children's rights are often perceived as being imposed from the "outside" and in conflict with Indigenous people's rights to sovereignty.

This is a misconception since, in addition to the States being accountable for implementation, the CRC recognizes the role of "other competent bodies" in monitoring children's rights. This makes the CRC a particularly useful advocacy tool for Indigenous peoples to actively choose to promote the CRC and to hold governments accountable to provide for children's survival, development and protection when State's ignore their fiduciary responsibility to support these rights. Indigenous peoples can appeal directly to the Committee on the Rights of the Child in monitoring the rights of Indigenous children and can draw on a sympathetic international atmosphere for Indigenous peoples. In fact, members of the Committee on the Rights of the Child encourage Indigenous organizations to submit progress reports that complement State reports.

Non-Aboriginal organizations working with Indigenous children can play a supportive role by empowering local communities to build on their own strengths. Facilitators can inspire professionals working with Aboriginal children by providing examples of other innovative modles. Throughout this process, local ownership is essential for sustainable participation, and capacity-building is a critical component for promoting the CRC's full potential.

A Call for Capacity-Building

Many child-care workers, social workers, teachers and counsellors, whether Indigenous or non-Indigenous, provide services to Indigenous peoples. However, university courses in Canada and elsewhere rarely prepare future professionals to work in ways that reflect the spirit of the CRC. Students frequently complete their degree with limited knowledge of how they are going to integrate cultural respect into their work. Cultural respect often

stands only as a principle that is not articulated through skills development or increased self-awareness. Courses on First Nations cultures tend to be overly knowledge-oriented, with most of the emphasis on learning about the history of colonization rather than on existing cultural practices. Students leave these courses with little capacity to professionally interact with living Aboriginal communities, or to negotiate the complexities of the challenges facing Aboriginal children and their families.

In response to this need for human service training, a third year university course was developed at the University of Victoria entitled "Taking Right Action: Education and Advocacy for Aboriginal Children's Rights." In this curriculum, students were encouraged to find answers to the following question: How do I take right action when working with Aboriginal children and their families? How do I incorporate respect for both traditional cultural teachings and the rights of Aboriginal children as safeguarded in the UN Convention on the Rights of the Child?

The course itself is divided into 5 main modules. The first focuses on the historical overview of Aboriginal peoples in Canada. It was decided that one module should specifically focus on this issue to place the course in the context of positive traditional Aboriginal child rearing practices and of historical trends such as colonization and the impact of the residential school system. The other four modules deal with the main categories of the CRC, presented as health, education, protection and participation. (In the course, the categories education and health were preferred to survival and development given the more obvious program applications for human service professionals.) Each module is in turn divided into three units. The first unit of each module focuses on "Working with sacred knowledge"; the second focuses on "Making connections between traditional teachings and the *UN Convention on the Rights of the Child*"; and the third unit focuses on "Taking Right Action" through the application of the CRC. The instructor manual provides guiding questions and suggests ways of bringing students to reflect on each theme. To bring this material to life, it is essential to involve Aboriginal Elders and community resource people.

The course has since been offered a number of times, one of which was delivered in a Coast Salish long house. Twenty-five students attended this intensive one-week course, mostly from the School of Child and Youth Care. The course included a number of First Nation students, many of whom had little formal connection to their cultural heritage. There was one academic instructor, and five traditionally-trained Elders from the Coast Salish and KwaqWakaWaq nations who taught at different times during the course. Each Elder had a unique training pertinent to caring for children and youth, from women healers and counsellors to potlatch leaders, to Elders who had adopted formal initiation ceremonies to work with street involved young people.

Each day, the course opened with the Elders' prayers, songs and teachings relating to the day's theme. As Coast Salish Aboriginal Liaison Officer Bill White reminded us, whenever the old people said a prayer, sang an ancestral song and gave advice, they were carrying forth the teachings of their parents, grand-parents and ancestors. In essence, the Elders were preparing places of safety for the young people. Elders often asked students to put aside their notebooks and sit around the fire and listen. For many students being without a pen and paper was disorienting and many soon discovered the meaning of the expression "listen with the ears of your eyes." The students also participated in Salish cultural activities unique to the area. This included an evening at a Salish Shaker Church healing ceremony and an afternoon spent in the sweatlodge. Those experiences, combined with daily teachings by the Elders, were critical in providing students with first-hand understanding of Aboriginal teachings supporting children. In a course evaluation, one student commented: "The real experience of coping mechanisms that we witnessed is priceless in terms of learning. We can take several academic degrees but they are meaningless without the teachings of genuine people who are living the values."

For many students, the course had a strong personal impact, as students were brought to reflect on their own values and identity. This point was repeatedly underlined by the Elders, for if one wants to positively support children, one also needs to come to terms with one's own attitudes, beliefs and personal experiences as a child. One can then draw on this personal journey to work with children. In Figure 3, a set of questions are provided that outline some of the steps used to assist this journey of self-reflection. These questions were provided in the beginning of the course for people to begin reflecting and building on their own story.

FIGURE 3

Personal Reflection Questions

As a child:

Were your rights respected?
Was your voice heard?
Was education available to you?
How did your culture support your rights?
How did yo view the world?
Did you experience poverty or neglect?

As a professional:

Did you experience racism or discrimination?
What would you like the children you work with to know more than anything?

The impact of the traditionally-trained Elders was powerful. The First Nation students attending wanted to learn more about their own cultures, and the non-Aboriginal students developed a respect for the richness of the teachings. As stated in advice provided by Kim Recalma-Clutesi, KwaqWakaWaq Elder: "I have to honour the gifts of both worlds. Some of that racism is inside of us; we have to get rid of that. Don't leave here saying my world is no good. That is not the point." The point is understanding, and this requires honouring both perspectives.

In teaching this course, care needed to be taken to weave the traditional voice of the Elders (often an overwhelming experience for students) into the secular world of the CRC. Bringing students to understand the importance of both the values in traditional teachings and in the principles, provisions and articles of the CRC is important. At the end of the course, students need to see the role of both frameworks in providing for children's well-being. Most importantly they need to learn how they can incorporate the two perspectives into their daily work. As such, each afternoon session focussed more specifically on the CRC. Articles from the convention were presented and examples of putting these articles into practice were shared. Emphasis was placed on the CRC framework as an approach to working with children.

Programming and policy-making need to be placed in the context of the child rights framework presented earlier. Students examined case studies taken from field experience and in small groups discussed these critically. This was practice for "taking action" to promote the principles in the CRC. Often, case studies that highlighted competing rights were presented, such as the conflict over the child's best-interests in deciding adoption cases, or the challenge in providing education that has both cultural relevance and that prepares a child to "succeed" in the modern world. In discussing these scenarios, the CRC principles of non-discrimination, best-interests, life, survival, development and participation were debated alongside values of social responsibility, reciprocity, natural law and the importance of the sacred in children's development.

At the end of the course, students were asked to make a group presentation illustrating a program that incorporated the two perspectives in order to "take right action". A primary school teacher and educator for the last ten years with no previous knowledge of the CRC commented that "I am so impressed with the direction that this class has gone to, and I think that the match of the CRC and traditional values is a natural. The blending of these two approaches to education are very compatible."

Courses such as the one described above are urgently needed to build our capacity as a community to meet the needs of Indigenous children. We must urgently undertake the challenge to deliver bi-cultural education programs that prepare professionals to "make your mind strong and make the best of both worlds", in the words of a Coast Salish Elder. The benefits are too great to be ignored.

Embarking on the "Road Less Travelled"

As the implications of the CRC are explored and the vision of the CRC is applied in programming, some challenges will be met. But as suggested throughout this text, these can be overcome through awareness and partnership. The opportunities for more child care professionals to travel this road are countless. The CRC can be applied in different ways and contexts because the language of human rights found in the CRC leaves space for each community to take ownership while remaining faithful to the spirit of the CRC.

For those interested in embarking on the road less travelled, we offer, as a conclusion, some guidelines for professionals working with young and older children. Undertaking any or all of these steps will further the intent of making the CRC a document that has significance in the daily lives of Indigenous children.

Guidelines for working with young and older children

- Identify traditional sources of social knowledge in a community that relate to child care (e.g., birthing, rites of passage, naming ceremonies).
- Examine possibilities for children's participation at all ages that are culturally-appropriate and reflect the spirit of the CRC (e.g., see play as participation; give young people choices; encourage decision-making skills).
- Identify cultural values that can be integrated into application of child rights (e.g., human dignity).
- Think of child-centred programs beyond "centre-based" activities. Ask how child-care programs can be supported in people's day-to day lives in family and community settings.
- Strengthen child advocacy positions and child care policy in local governance structures.
- Where possible, link broader issues of Aboriginal governance to children's issues (e.g., land claims and children's rights to cultural heritage as articulated in CRC Article 30).

- Look for culturally-based touchstones for children's development and use these opportunities to promote children's well-being.

As one continues the journey and the application of the CRC with Indigenous children becomes a road "more travelled", the CRC will transform from a legalistic document to a universal set of principles that support children, and that is brought to life in various cultural contexts. The words of one of our own CRC educators, Noeli Pocaterra, Wayuu advocate for women and children and Venezuelan Senator, offers a fitting conclusion:

> "The CRC is a right to life. When we are talking about the right to life we have to be judicious to defend those rights. Here we have a responsibility to our children. Go back to our own family and schools and community and the places where you play, also tell the experts... tell them what we have heard and learned here."

Endnotes

1. United Nations General Assembly, 1989. Further references to the CRC are not footnoted.
2. Price-Cohen, 1996
3. Cook, 1999
4. Morrissette & Regallet, 1987; Basso, 1992
5. York, 1990; Report of the Royal Commission on Aboriginal Peoples, 1996
6. Dawes, 2000
7. Songhees Youth Group, 1999
8. Blanchet-Cohen, 2000
9. Dawes, 2000
10. Richardson & Blanchet-Cohen, 2000
11. Canadian Human Rights Commission, 1999
12. Hood & Disbury, 2000
13. Community Panel, 1990
14. Kline, 1992
15. Community Panel, 1990
16. Bowers, 1997
17. Save the Children Fund Canada, 2000
18. Lansdown, 2001
19. Bronfenbrenner, 1979
20. Pierre, 2000

References

Alston, P. (1991). The legal framework on the Convention on the Rights of the Child. In *Bulletin of Human Rights: The Rights of the Child*. New York: Centre for Human Rights.

Basso, K. (1992). Speaking with names: Language and Landscape among the Western Apache. *Cultural Anthropology*, 3 (2), 99-130.

Blanchet-Cohen, N. (ed.) (2000). *Cenenitel. Working together. Nurturing First Nations Youth's Cultural Rights*. Victoria: URECRC (University of Victoria).

Bowers, C.A. (1997). *The culture of denial: why the environmental movement needs a strategy for reforming universities and public schools*. New York: State University of New York press.

Bronfenbrenner, U.(1979). *The ecology of human development*. Cambridge: Harvard University Press.

Canadian Human Rights Commission. (1999). *Canadian human rights commission. Annual report 1998*. Ottawa: Minister of Public Works and Government Services.

Clarkson, L., Morrissette, V., & Regallet, G. (1987) *Our responsibility to the seventh generation: Indigenous people and sustainable development*. Winnipeg: International Institute for Sustainable Development.

Community Panel, Family and Children's Services Legislation Review in British Columbia. (1992). *Liberating Our Children. Liberating Our Nations*. British Columbia: Report of the Aboriginal Committee.

Cook, P. (1999). Capacity-building partnerships between Indigenous youth and elders. *Child and Youth Services*, 20 (1/2), 189-202.

Dawes, A (2000). *Cultural diversity and childhood in adversity: implications for community level interventions with children in difficult circumstances*. Paper presented at the resiliency conference in Oxford: unpublished report.

Halldorson, L., Bramly, L., Cook, P. &White, W. (1997). *Claiming our place in the circle: A report on the caring for Indigenous children capacity building workshop and a plan of action*. Victoria: unpublished report.

Hood, R., & Disbury, K. (1999). *Growing Strong: A training manual promoting the rights of Indigneous children*. Victoria: URECRC (University of Victoria).

Kline, M. (1992). Child Welfare Law, Best Interests of the Child Ideology and First Nations. *Osgoode Hall Law Journal*, 30 (2), 376-425.

Lansdown, G. (2001). *Promoting children's participation in democratic decision-making*. Florence: Innocenti Studies.

Pepper, Floy C. & William White (1996). *Traditional First Nations values*. Victoria: unpublished.

Pierre, A. (2000). (personal communication).

Price-Cohen, C. (1996). Development of the rights of the Indigenous child under international law. *St Thomas Law Review*, 9, 231-250.

Richardson, C. & Blanchet-Cohen, N. (2000). *Survey of post-secondary education programs in Canada for Aboriginal Peoples*. Paris: UNESCO monograph.

Report of the Royal Commission on Aboriginal Peoples (1996). *Perspectives and Realities*. Ottawa: Canada Communication Group.

Save the Children Fund Canada (2000). *Sacred lives. Canadian Aboriginal children and youth speak about sexual exploitation*. Vancouver: unpublished report.

Songhees Youth Group (1999). *Lekwunken. Then and now*. Victoria: URECRC (University of Victoria).

UNICEF (1999). 1989-99 *No ordinary decade for children's rights*. Florence: Innocenti publications.

United Nations General Assembly (1989). *United Nations Convention on the Rights of the Child*. New York, NY: Author.

York, G. (1990). *The dispossessed. Life and death in Native Canada*. London: Vintage.

Contact Information:

Institute for Child Rights and Development
Centre for Global Studies
University of Victoria
PO Box 1700 Stn. CSC
Victoria, BC
V8W 3W2
Tel (250) 472-4762
Fax (250) 472-4830
Email indcrc@uvic.ca
Website http://web.uvic.ca/icrd

The World Around Us

Qualitative Research on Children's Participation Rights and Responsibilities

by Ellen Murray

Ellen Murray, PhD, is a curriculum developer and research consultant. She obtained her doctorate in the interdisciplinary field of children's rights studies at the University of Victoria. She has written and published several educational reports and resources focusing on the rights of the child.

Abstract

In order to advance the implementation of the United Nations Convention on the Rights of the Child within educational contexts, educators and practitioners need effective strategies for educating children about the rights and principles enshrined within it. The following research paper describes qualitative research on four such strategies. This is particularly relevant to front-line practitioners who work in preschool and after-school programs and to educators who teach in school settings. This paper describes participatory strategies incorporated into the educational resource, The World Around Us, which were found to be especially effective in helping children to understand their participation rights and responsibilities while exercising them. The set of strategies can be used as a model when designing resources for children's rights education and can be integrated into subjects such as social studies or language arts.

Impetus for Resource and Research

Listening to children's voices was a unifying theme for this qualitative research. This listening occurred during children's participation in the learning activities developed for the educational resource entitled *The World Around Us: A Thematic Primary-Level Curriculum for Children's Rights Education*.[1] Two international proclamations provided the impetus for initially designing this educational resource and for subsequently conducting the related qualitative research described in this paper: the *United Nations Decade for Human Rights Education*, and the *United Nations Convention on the Rights of the Child* (CRC) and its 54 Articles.[2]

In the spirit of children's rights advocacy, *The World Around Us* resource was researched and designed in response to the *United Nations Decade for Human Rights Education*, 1995 to 2004. The objectives of this decade include the development of effective strategies for the advancement of human rights education in schools at all grade levels.[3] Thus, this decade can be seen as a period for children and adults alike to learn about human rights as stated in the CRC, and pursuant to Article 42. Accordingly, *The World Around Us* was designed so that its content and strategies were premised on the rights and principles of the CRC, including children's rights of provision, protection and participation. Also reflected in the design of this educational resource is Article 29 regarding the goals of education, one of which is the preparation of children for responsible life in a free society. To that end, *The World Around Us* aims to support the development of children to their fullest potential and to promote responsible citizenship through children's rights education.

However, it is important to note that growth that towards responsible citizenship does not develop automatically at a certain age, such as adulthood.[4] Consequently, the CRC avoids setting arbitrary age limits on the exercise of rights. Rather, Article 5 notes that state parties shall respect the responsibilities, rights and duties of parents, or other responsible caregivers such as educators, when providing "appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention"[5] – a child being an individual under the age of the age of majority according to Article 1. Since Article 5 specifically addresses direction and guidance for children in the exercise of their rights, the application of this article would appear particularly relevant to children's participation rights.

In keeping with Article 5, appropriate direction and guidance should include providing children with access to suitable educational resources that help them begin to realize their rights and to respect the human rights of others as they move towards responsible citizenship.[6] The research conducted using *The World Around Us* served as a vehicle to learn what strategies were especially effective in helping children understand their participation rights and responsibilities in particular, as exercising them. These findings are of benefit to the design of future educational resources for children's rights education.

Research Purpose, Design and Methodology

Research Purpose

The central purpose of this research was twofold: (1) to examine particularly effective strategies that help children understand their participation rights and responsibilities, and facilitate the exercise of these rights; and (2) to explore how learning activities influence the child participants' understanding of their participation rights and responsibilities. This research purpose stems from the realization that in order for children to exercise their

participation rights and responsibilities in meaningful ways, they first need to have some understanding of those ideas or concepts.[7]

Research Design

This qualitative research used an exploratory case study design. The case under study was a class of 30 grade three students between 8 and 9 years of age, with one classroom teacher. Prior to the start of the case study, the teacher who participated in this research had not implemented any part of *The World Around Us* resource, nor any other materials relating to children's rights issues, with this group of grade three children.

The 30 children's active participation during the learning activities within *The World Around Us* was encouraged and fully supported by the classroom teacher and myself. With reference to children's participation during this case study, the term *participation* generally refers to a "process of sharing decisions which affects one's life and the life of the community in which one lives. . . . Participation is the fundamental right of citizenship."[8] In the CRC, children's participation rights are contained in the cluster of Articles 12 through 17, which almost exclusively refer to civic participation rights: to have voices heard and considered (Article 12); to freedom of expression (Article 13); to beliefs (Article 14); to association (Article 15); to protection of privacy (Article 16); and to access appropriate information (Article 17).

While the CRC identifies children's participation rights, the children's participation during this case study was especially focused on the rights enshrined in Articles 12 and 13 of the CRC, which involve participatory skills such as listening, decision-making and freely expressing views.[9] To explain further, Article 12 identifies the right of children to have their opinions heard and to take part in making decisions to their developmental capacity, although it does not imply an obligation for participation in decision-making. Similarly, Article 13 identifies the right of children to express views freely and to obtain sufficient information to make informed decisions, although it does not imply an obligation for children to express their views. As a consequence, the child participants were encouraged, but not obligated, to take part in making decisions or to express views during the implementation of *The World Around Us* learning activities.

Research Methodology

Qualitative data were collected over a 16-week period of my regular visits to the classroom. Listening to the children's voices during their participation was fundamental to data collection in order to gain insights about what strategies were effective in helping children better understand their participation rights and responsibilities. Listening to the children allowed me to search for child participants' points of view and to respectfully pay attention to what they said and did by hearing, reading and observing, while asking what lessons could be learned from their voices.[10] In order to operationalize this case study, three data collection methods were employed – interviews, narratives and observations.

Semi-Structured Interviews

In keeping with the exploratory nature of the case study, which highlighted the significance of listening to the children's voices, qualitative data on children's verbal expressions were collected through semi-structured interviews. This involved using a list of questions to guide the interviews.[11] For example, the interview question: *What does helping mean to you?* elicited verbal responses such as: *Helping means listening to others with respect. Helping means working and playing with others. Helping means sharing our thoughts and feelings.*

In addition, informal conversations with the child participants in their classroom allowed for spontaneity and flexibility of questions and responses.

Children's Narratives

Data collection through the children's narratives involved the use of journals (termed *Learning Logs* in *The World Around Us* curriculum). This instrument offered the child participants opportunities to respond to a selection of the 30 literature-based learning activities contained in the five thematic modules of the educational resource.

Participant Observations

Participant observations involved using low inference checklists and high inference field notes written during the observations. Participant observation was well-suited to this case study since qualitative data were collected on children's written and spoken words as well as on their actions. For example, I used higher inference field notes during observations, which asked questions such as: *What evidence shows that children are (or are not) actively participating in shared decision-making?* At other times a lower inference checklist was used, which focused on specific skills such as: *Child asks for help when needs it; or plays well with others; or initiates interactions with adults.*

Participatory Strategies

This section presents a partial summary of the research findings that are particularly relevant to front-line practitioners who work in preschool and after-school programs, and to educators who teach in-school settings. The findings led me to identify the following set of four participatory strategies, which were seen to be particularly effective in helping children both understand and exercise their participation rights and responsibilities. Within the context of this case study, the term *participatory strategies* refers to educational practices which advance children's learning, and make active participation possible.[12]

The participatory strategies are embedded in 30 literature-based learning activities. The learning activities were linked to suggested pieces of children's literature in order to help

expand children's understanding of key concepts, themes and issues related to respect, rights and responsibilities. Within the context of *The World Around Us,* the term *respect* refers to a regard for human rights, dignity of all human beings and of our environment, since all life is sustained by it. Fulfilling obligations related to rights — taking care of oneself and others, and making the world around us a better place to live and grow — were considered aspects of personal and social *responsibility.* According to the children, the term *right* refers to something that children really need to live and grow — enough food to eat, clothes to wear and a place to live — as well as expressing opinions about something important to them, without hurting someone else.

The learning activities within *The World Around Us* included opportunities for examining children's human rights, as well as addressing the need for assuming some responsibilities such as respect for the human rights, freedoms and reputations of others while exercising those rights. They were designed to promote conceptual development and to foster literacy and social skills through participatory strategies. Also, some of the activities provided opportunities for the children to exercise their participation rights while developing participatory skills; these included communication skills, such as reading, writing, listening and expressing views, and social skills, such as decision-making, problem solving, independence, interdependence and cooperation.

The following set of four participatory strategies can be used as a model for designing resources for children's rights education. The strategies can be integrated into existing subjects such as social studies or language arts. Educators and practitioners will need to make appropriate adaptions to them in order to best suit the learning needs, interests and abilities of the particular young learners in their care.

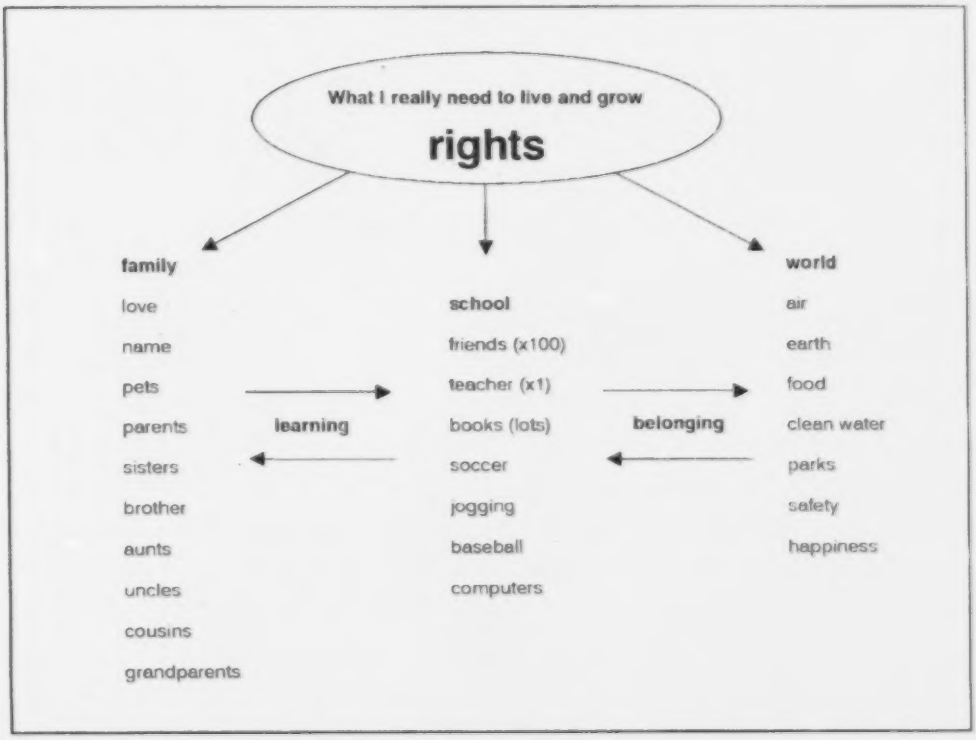
Concept Mapping

Concept mapping involved constructing a network or web of key words, events or objects resulting in a concept map. A concept map is typically composed of a number of related concepts or ideas with one identified as the focal concept on the map. In order to construct a concept map, the child participants initially worked through a four-step procedure with the direction of their classroom teacher: list, group, link, and label.[13]

For example, the teacher first posed a question such as: *What do we really need to live and grow?* In response, key words and phrases the children associated with the concept were listed on the chalkboard, such as food, families, friends, school, clean water. Second, the words were grouped or clustered around common themes, such as family, school and world, and were listed on the blackboard. Third, clusters of related ideas were linked with lines or arrows; and fourth, the lines were labelled such as learning and belonging. These labels showed how the groups and subgroups of words were related to each other.

The children eventually came to the conclusion that the concept of *rights* was linked to all those words and to the question of *what we really need to live and grow*; as a consequence, they decided to print the word *rights* within the oval at the top of the concept map. During this class activity, it was important to mention that while all children are entitled to the same rights, some do not have basic needs of life met, such as receiving adequate food or shelter. Both the teacher and researcher were sensitive to this reality when speaking with the children about such issues, and made assurances that children were not responsible for such circumstances.

In summary, analysis of the findings revealed that learning activities involving the strategy of concept mapping introduced and reinforced concepts associated with rights, respect and responsibilities. This strategy appeared to promote the conceptualization processes by helping the children to organize large amounts of information about rights and responsibilities, and to make it meaningful to them. It offered the children an effective means to explore and expand their knowledge of existing concepts, and to express in a visual manner their understanding of those concepts, as this sample illustrates.



Decision-Making

The participatory strategy of decision-making involved a model with three steps. The first step in this model involved identifying a given problem. The second step involved considering options, alternate plans and possible consequences of those options. The third step involved the class making a shared decision based on consensus. Voting took place and each child expressed his or her decision with a raised hand.

Thus, the option that received the majority of votes was selected as the class decision for solving the problem. The group decision was summarized by the teacher during the follow-up class discussion. It could be said that through this decision-making process, the children began to understand and appreciate the merit of the ideas, choices and decisions of others, as this sample illustrates.

1. *Problem*
   Describe the problem. *I found a puppy.*

2. *Choices*
   Think about the choices. How does each choice help you? How does each choice help others? What might happen to you and to others if these choices are made? List what might happen beside each choice.

Choice:	What might happen:
keep it	*allergic reaction*
leave it	*might get hurt*
advertise	*wrong owner steals*
SPCA	*good care*
radio	*distance*

3. *Decisions*
   Decide which choice you want to make. List your decision or decisions here.
   I would take it to the SPCA because it will get good care.

This three-step decision-making model was also implemented in order to help the child participants solve problems in peaceful ways, through peaceful conflict resolution. The teacher guided the child participants through the three steps in the model to examine an incident that occurred the previous afternoon on the school bus, as this vignette illustrates:

Jake had demanded that Mary give up the apparently much coveted window seat at the front of the bus. With the teacher's guidance, the children discussed the idea that even though Jake might want Mary's place on the bus, his freedom of choice was restricted in practice.

Together the children and their teacher identified the problem, and considered options such as alternating days, or whoever gets to the seat first sits there. The children eventually decided that the seat should be available to all interested students. As the discussion progressed, the teacher asked the students if the seat should be given to students with special needs, such as someone who walks with crutches. The children agreed that a person who has problems getting around should get the seat; as Jake concluded "Some people really need the front seat because it's too hard to get to the back of the bus, and not just because they want to look out the window."

In summary, analysis of the findings revealed that learning activities involving the decision-making model helped children to work collectively and see that group decision-making involves consensus, or to work individually and find their own resolutions to problems.

This strategy appeared to heighten the children's awareness of other people's perspectives, and this awareness seemed to influence their decision-making and their actions. Perhaps when children begin to sort through the relationships between needs, rights and responsible actions, their awareness of rights and their sense of respect and responsibility to themselves, others, human rights and the world can be realized.

Role Playing

Role playing involved children responding to open-ended questions as they played a role and tried to take the perspectives of others.[14] Role playing along with class discussions provided opportunities for children to develop group participation skills such as listening and speaking in turn, which are important for respecting other people's rights. Children listened to a story and then responded to questions by playing imaginary roles with or without hand puppets; in doing so students acted out alternative ways of interpreting a scene, a situation or a character.

During role playing, it was useful to stop the action at crucial points in order to ask the children about what was happening. For example, during a roleplay about peace, the students were asked to think of ways that a situation could be resolved peacefully; the children then role played possible endings, as this sample illustrates:

During the implementation of an activity entitled Living in a Peaceful and Friendly World, *the students read the story entitled* Anansi the Spider *by Gerald McDermott (1972). This legend of the Ashanti people in Africa tells about a spider who gives his six sons special names with symbols to represent their personalities. The students were asked to read the book only up to the point where Anansi wonders aloud which son deserves the prize (a moon) – one that all the sons seem to want. Thus, this story involves conflict resolution. The students created and role played their own an ending to the story, and later read and recreated the author's*

ending. The students decided by voting which ending was preferred and why. Through role playing, the students considered which spider son was most deserving, why each son might want the prize, what the father wants for his sons, and what son really deserves the prize and why.

In summary, analysis of the findings revealed that learning activities involving role play provided opportunities for the children to explore growing, changing and adapting to new situations through children's literature. This strategy appeared to promote the children's perspective-taking skills by exposing them to characters who dealt with feelings in a variety of situations. In so doing, the students were seemingly moved to imagine how others, such as the storybook characters, might think, feel, see or act, and so they were helped in taking another's point of view.

Responsive Writing

The participatory strategy of responsive writing involved children writing responses to selections of children's literature, such as a story or poem. Depending on individual student preference and literacy skill level, one means to prompt responsive writing is to pose questions based on a model developed by Hoskisson. Three types of questions were used when reading and responding to a selection of literature: fact, interpretation and evaluation.[15]

For example, in response to questions of fact, learners were required to provide an answer from information gained directly from the story; in other words, the facts were the words of the author. Through questions of interpretation, children were asked to explore what the author meant by what he or she wrote in the story, and to make inferences about the characters' intentions and motivations. Through questions of evaluation, children were asked to determine in what respects they agreed or disagreed with the author, or to how the story had application to their own lives and why.[16]

When such questions were incorporated into the responsive writing process, children were helped to make inferences about characters' intentions and motivations. For example, an 8-year-old male read one of the recommended books about friendship and caring, and then considered questions from the curriculum materials. In response to the questions *How do you know that a friend understands you?* and *Why do we care for and try to understand our friends?* he wrote:

You can tell friends like each other because they understand each other and share with each other. I can tell that a friend understands me because he doesn't give smart remarks and gives me good advice. I care and understand for my friends so I have friends and I like making people feel good. I can tell that I have a friend by knowing they like me and always welcome me.

Such samples of responsive writing were commonly found throughout the child participants' journals. This strategy appeared to help the children to make inferences about the stories, challenging and expanding their imaginations through literature. It also offered the children a means to respond anonymously in research that was carried out in their own classroom.

At the conclusion of the study, I offered the children further opportunities to respond to their experiences with the children's rights education curriculum. Their responses were written down without identifying information and, thus, anonymously read. The following lists samples of the children's responses:

I really like these books because they help me think about different stuff like respect.

A right is what we really need to be alright. And responsibility is doing good without someone telling you to do it.

I'm learning that our responsibilities help us do right to live and grow right. I think that our rights help us have what we really need to live and grow right. My responsibilities remind me to be right.

We learned that it's good to ask kids to join in even if some don't think they belong.

I'm learning that I have a right to feel good inside. We all have a right to be respected and loved. I think you respect us.

Children have rights because we need everyone to listen to us. Thank you for taking time to listen to me.

By doing this work we're learning children have the same rights in this world. We're all equal and should be friends.

You can play with someone even if they're black. Different people are different colours.

I want to feel safe without anyone trying to bully me. I have a right to say leave me alone when I want to be alone.

I can take some responsibility to tell a truth. All children can take some responsibility to be fair to each other. I can share a responsibility to help my friends when they ask me to.

I can share a responsibility to help my friend in a wheelchair and give her a push when she gets tired. We can share a responsibility to not budge in front on a line.

In summary, analysis of the findings revealed that learning activities involving responsive writing provided a means for children to assess, express and record their thoughts, feelings and actions as they related to their participation in this study and to children's rights issues. This strategy appeared to help the children respond to what they were learning about participation rights, and to relate that information to their life experiences, while developing inferential thinking skills.

Implications of Children's Rights Education

Listening to the children's voices during their participation was fundamental to gaining insights into what strategies were especially effective in helping children understand and to exercise their participation rights and responsibilities. The analysis and interpretation of the research findings yielded the following implications for children's rights education.

Children need appropriate direction and guidance

Children need appropriate direction and guidance to help them understand their participation rights and responsibilities, and to help them exercise them. The participatory strategies — concept mapping, decision making model, role playing and responsive writing — can be seen as providing "appropriate direction and guidance" (Article 5). The design and implementation of such participatory strategies provide tools for educators and practitioners to be better prepared to offer children meaningful opportunities to become informed of their rights (Article 42). These strategies also help children to acquire the skills necessary to live in the world both as children and later as adults.

No significant gender influence

Analysis of the research findings revealed that the child participants' understanding of their participation rights and responsibilities were not significantly influenced by gender. One explanation was that perhaps gender does not exert an influence on children's understanding or exercising of their participation rights and responsibilities until after primary-level education, if ever. A second explanation is that both girls and boys had equitable opportunities to practise the participatory strategies during the case study research. An implication for children's rights education is that children should be offered access to suitable educational resources that can help them begin to understand and exercise their rights, as well as respect the human rights of others, in keeping with their evolving capacities to do so (Article 5).

Intellectual, social, moral, emotional, physical and conceptual development

Thirdly, if children are to become free citizens capable of actively and intelligently participating in a democratic society where rights are respected and responsibilities are upheld, then more than literacy and numeracy skills need to be acquired in and out of school. Another implication for children's rights education was that through suitable educational resources children were encouraged to develop their intellectual, social, moral, emotional, physical, and conceptual capacities – a right to which children are entitled, pursuant to Article 29 of the CRC.[17]

Future Directions

In view of the particularistic findings of this case study, future directions in research might include studies on the implementation and impact of *The World Around Us* resource within a broader range of grades and over a longer time period. For example, these materials could be concurrently implemented in several grade three classrooms as well as kindergarten, grade one, grade two or multi-level classrooms. Such research would be used to compare patterns in student development that emerge at various grades. In addition, a case under study could be an entire classroom of students over one school year, or a group of children over a four-year period such as kindergarten through grade three. More longitudinal case studies would allow the long term influences of these participatory strategies to be explored.

Other future directions in research might include qualitative case studies conducted in order to follow the experiences of one child, or a small group of children, during the implementation of *The World Around Us* over one or more school years. For example, the researcher might investigate what home, school or community projects were initiated and implemented as a result of children's increasing understanding of their rights and responsibilities. Such research could explore the extent to which children's classroom learning is transferred into life experiences in their communities.

When children begin to understand how rights affect their lives and the lives of others within familiar contexts, then they may increasingly appreciate and respect others who are similar to or different from themselves both in and beyond their communities. In the spirit of the *United Nations Decade for Human Rights Education*, the worth of educational resources for children's rights education may be judged by the extent to which they afford children meaningful opportunities to begin to understand their rights and responsibilities within a human rights framework. Practitioners and educators are encouraged to implement resources for children's rights education in order to educate children about the rights and principles enshrined in the CRC, and to help foster the development of more informed, caring and responsible groups of young citizens.

Endnotes

1. Murray, 1995
2. United Nations General Assembly (UNGA), 1989
3. UNGA, 1995
4. Alston, 1992; Garbarino, 1990
5. UNGA, 1989
6. Alleman & Rosaen, 1991; Alston, 1992; Flekkøy, 1996; Garbarino, 1990; Reardon, 1995
7. Lickona, 1991; Melton & Limber, 1992; Noddings, 1988; Reardon, 1995
8. Hart, 1992, p. 5
9. UNGA, 1989
10. Gersch, 1996
11. Merriam, 1988
12. Martorella, 1985; Noddings, 1988; Reardon, 1995
13. Martorella, 1985
14. Benninga & Crum, 1982; Krogh, 1985
15. Hoskisson, 1973
16. Ibid
17. UNGA, 1989

References

Alleman, J. & Rosaen, C. (1991). The cognitive, social-emotional, & moral development characteristics of students. In J. Shaver (Ed.), *Handbook of research on social studies teaching and learning*. Toronto, ON: Collier Macmillan Canada.

Alston, P. (1992, August). The legal framework of the Convention of the Rights of the Child. In *Bulletin of human rights - The rights of the child*. Geneva, Switzerland: Centre for Human Rights, United Nations.

Benninga, J. & Crum, R. (1982). Acting out for social understanding. *Childhood Education, 58* (3), 144-148.

Flekkøy, M. (1996). A framework for children's participation. In E. Verhellen (Ed.), *Understanding children's rights: Collected papers presented at the first international interdisciplinary course on children's rights*, (pp. 223-238). Ghent, Belgium: Children's Rights Centre, University of Belgium.

Garbarino, J. (1990). The child's evolving capacities. In C. Price Cohen & H. Davidson (Eds.), *Children's rights in America* (pp. 19-32). New York, NY: American Bar Association.

Gersch, I. (1996). Listening to children in educational contexts. In R. Davie, G. Upton, & V. Varma. *The voice of the child: A handbook for professionals* (pp. 27-48). London, UK: Falmer.

Hart, R. (1992). *Children's participation: From tokenism to citizenship*. Florence, Italy: UNICEF International Child Development Centre. Innocenti Essay No. 4. ERIC: ED 359 090.

Hoskisson, K. (1973). False question and right answers. *The Reading Teacher, 27* (2), 159-162.

Krogh, S. (1985). Encouraging positive justice reasoning and perspective-taking skills: Two educational interventions. *Journal of Moral Education, 14* (2), 102-110.

Lickona, T. (1991). *Educating for character: How schools can teach respect and responsibility*. New York, NY: Doubleday.

Martorella, P. (1985). *Elementary social studies: Developing reflective, competent, & concerned citizens*. New York, NY: Harper Collins.

McDermott, G. (1972). *Anansi the spider*. New York, NY: Henry Holt.

Melton, G. & S. Limber. (1992). What children's rights mean to children: Children's own views. In M. Freeman & P. Veerman (Eds.), *The ideologies of children's rights* (pp. 167-187). Netherlands: Kluwer Academic Publishers.

Merriam, S. (1988). *Case study research in education: A qualitative approach*. San Francisco, CA: Jossey-Bass.

Murray, E. (1995). *The world around us: A thematic primary-level curriculum for children's rights education*. Victoria, BC: EM Educational Services.

Noddings, N. (1988). An ethic of caring and its implications for instructional arrangements. *American Journal of Education, 96* (2), 215-230.

Reardon, B. (1995). *Educating for human dignity: Learning about rights and responsibilities*. Philadelphia, PA: University of Pennsylvania.

United Nations General Assembly (1989). *United Nations Convention on the Rights of the Child*. New York, NY: Author.

United Nations General Assembly. (1995). *United Nations Decade for Human Rights Education*. (December 23, 1995). Resolution 49/184. New York, NY: Author.

Contact information

Dr. Ellen Murray
EM Educational Services: Curriculum Research and Development
#1104, 9947 Saskatchewan Drive NW
Edmonton, Alberta T6E 4R3
Phone (780) 439-5159
Fax (780) 439-6219
Email ejmurray@telusplanet.net
Web www3.telus.net/childrens_rights

In My World©

A Citizenship Initiative and A Progressive Account of Teacher Change

by Rosemary Allan

Rosemary Allan is a curriculum specialist with Collaborative Learning Community 4 in the Calgary Board of Education.

Abstract

***The In My World©** Initiative is a Calgary Board of Education citizenship pilot project. The work reported here is from the first year, 1999-2000 when this project was directed particularly toward children from kindergarten through grade three. Eighteen interested teachers, who taught in diverse settings, became involved. Each participant teacher worked with a self-identified learning question and collected data over the year to answer their inquiry. The project used the **United Nations Convention on the Rights of the Child (CRC)**[1] as a lens through which to consider their beliefs about children, teaching and learning. Using a literature base, themes from the CRC were infused into a learning context. The creative arts were used to allow children to construct their understandings. Through action research, teacher beliefs changed, which impacted teacher practice. Teachers found that children could understand and use the language of responsibilities and rights. The children used this language in instrumental ways, allowing them to participate in their citizenship journey.*

Background

In the spring of 1998, the Calgary Board of Education (CBE) gathered curriculum specialists, administrators and interested teachers to hear a presentation given by Dr. Ellen Murray, a human rights curriculum designer and the creator of the primary kit, *The World Around Us: A Thematic Primary Level Curriculum for Children's Rights Education*. This kit had been designed for use in the Greater Victoria School Board. Murray has stated that in the design of this kit that she was particularly interested in rights that are termed participation rights.[2] The first edition of *The World Around Us* included ten thematic modules with a collection of 50 books for ages five through eight. The thematic modules, developmentally appropriate for primary children, are an organizing structure through which to enter the *Convention on the*

Rights of the Child. Murray's kit also contained: *Rights From the Heart, Part I*, by the National Film Board; a teacher's guide; and three puppets.

The ten modules in the first edition of the kit, which could be undertaken over the course of kindergarten to grade three, were:

1. Introduction to rights and responsibilities
2. Individuality
3. Names and countries
4. Health care and shelter
5. Special needs and care
6. Families and friends
7. Education and play
8. Safety
9. Protection of the child and environment
10. Peace

The CBE's work began in a focused way in the fall of 1998 when a small group of interested teachers and three specialists gathered as an advisory committee. Its purpose was to begin a dialogue about how to cultivate good citizenship and build responsibility in young children. Murray's kit, *The World Around Us*, was the seed that prompted the dialogue and further shaped by district and provincial mandates.

Calgary Board of Education

Two key CBE documents provided rationales for District participation in this initiative about citizenship education: The CBE's Anti-Racism and Equity Policy (June 1998) and the *Quality Learning Document: A Work-In -Progress* (1998).

The Anti-Racism and Equity Policy frames an understanding of: the *Convention on the Rights of the Child* (1989); the United Nations Declaration of the Rights of the Child (1959); the Canadian Human Rights Act (1985); and the Calgary Board of Education Statement of Purpose (1996). The policy structures belief statements within a framework of learning and teaching, language, employment, partnership with the community and educational environments. The Anti-Racism and Equity Policy states that:

> It shall be the policy of the Calgary Board of Education that students, staffs, parents, and other constituents conduct themselves in respectful ways at all times while on Calgary Board of Education premises. In a learning and working environment that promotes respect, justice and safety, the dignity and worth of each individual will be upheld while instances of discrimination will not be

> tolerated. Furthermore, every learner's entitlement to quality learning will be upheld in the equitable distribution of resources and services, resulting in student achievement and outcomes that truly reflect the ability of each learner.[3]

The Quality Learning Document (QLD) expands on the purpose of the Calgary Board of Education: "...that quality learning is accessible to all students."[4] The QLD outlines five understandings inherent to a quality learning experience for students:

- Learning requires purposeful involvement.
- Interpersonal relationships are essential to the learning process.
- Knowledge is constructed in a climate of inquiry.
- Clear expectations and relevant feedback are needed.
- Diversity is valued within a responsive environment.[5]

For each of these understandings, key teaching conditions and learner indicators are suggested in the document.

The QLD also identifies the learner outcomes of quality learning as:

- Responsible citizens
- Critical and creative thinkers
- Self-directed learners
- Collaborative team players
- Effective communicators.[6]

To quote from the QLD, responsible citizens:

- Understand and value their own culture and cultures of others.
- Understand historical and global perspectives.
- Identify moral and ethical implications for decision making.
- Identify with the context of community.
- Seek information about all sides of social, political, economic and environmental issues.
- Take ownership for their own actions and choices.
- Articulate and live by personal values and beliefs which demonstrate respect for themselves and others.
- Exhibit caring, honesty, integrity, justice and personal ethics.[7]

The CRC in Alberta

Embarking on a citizenship initiative such as *In My World*© required careful thinking in a province that, at the time, had not endorsed the CRC. Alberta had been the last province to endorse the Convention. In a letter to Prime Minister Chretien, January 13, 1999, the Honourable Ralph Klein indicated the Province's "commitment to children and families...

to extend formal support for the federal government's ratification of the UN Convention on the Rights of the Child." Klein further stated that "support is based on the understanding that the UN Convention does not usurp or over-ride the authority and responsibility of parents and that any interpretation of same with respect to Alberta will be undertaken as though a reservation had been placed at the time of ratification in that regard."[8] Since *In My World©* was about citizenship, it was more easily integrated into the Alberta context. In the Calgary Board of Education, special care was taken to ensure that Alberta learning goals of education were being met through this initiative.

Advisory Committee

The advisory committee met for a year, engaging in deep and sustained dialogue about the ten themes that Murray had identified as developmentally appropriate for children aged five to eight. Some of the selected children's literature was not reflective of Alberta's First Nations' peoples so decisions needed to be taken about resources. Primary questions were about what approach to take in the Calgary District and what curriculum connections to make between Murray's seed kit and Alberta-mandated programs of study.

The committed identified resources appropriate to the Alberta context for the *In My World©* initiative, confirmed approaches and made explicit the links between the CRC and citizenship. The committee first established direct connections between Murray's seed kit and Alberta's mandated programs of study. Members found that curriculum connections were pervasive through the kindergarten to grade three years. The teacher librarian on the committee identified further children's literature titles that could be used to complement the themes and that developed awareness in multi-cultural settings. Teacher committee members tried out some of the children's literature in their classes. After many debates on the best methodologies, the teachers began to realize the work was more involved than simply delivering a curriculum. The CRC was the lens through which *all* of our work with children needed to be seen. This was a significant realization in the advisory committee's work.

In My World© began to take on some attributes of its own. Committee members identified and reviewed websites and discussed Craig Keilburger, the founder of "Free the Children.org." Members viewed the National Film Board video, *Rights From the Heart, Part I*. This series of wordless animated videos, each of which focused on aspects of the Convention, created a poignant silence in the meeting room. We realized that the initiative would involve heart, mind and soul. Thus, our committee moved into a dialogue about ways this vision could infuse teacher practice. Questions were posed, and the use of the creative arts discussed. An action research design, wherein each teacher would collect data around a self-determined research question, looked promising.

Action Research

A decision was taken that the pilot would go forward in a collaborative action research design.

"Action research is a strategy teachers can use to investigate a problem or area of interest specific to their professional context. It provides the structure to engage in a planned, systematic and documented process of professional growth."[9]

Guiding assumptions about action research were:

"1. Educators are intelligent, inquiring individuals with legitimate expertise and important experience.

2. Educators are inclined to search for data to answer their own questions and to reflect on the data in order to problem solve.

3. Through conducting their own research, educators develop new understandings that contribute to their professional growth."[10]

Teachers' awareness of student learning would be through a process of reflective inquiry. Each teacher participant would collect the data for their learning question in a portfolio. In addition, since "action research is a continuous learning cycle, which involves reflecting and selecting an area of focus, planning, implementing and acting on the plan, observing and collecting data, organizing and analyzing data, reflecting, re-planning and taking new action and starting the spiral again,"[11] participants were granted one-half substitute coverage day per month over the year to consider their data and to re-focus their learning question as necessary. Through this reflection, it was hoped that "reflexion" would occur; that is, that the teachers' practice would be impacted through a change in underlying belief structures.

In September 1999, with great anticipation,18 teachers in seven schools began the pilot.. The participating teachers were delighted to have some books identified that worked well in a variety of curriculum contexts. Through collaboration in teams at their sites, or with specialist support, their questions were framed and data collection methods identified.

As they began their year, teachers had before them both the vision of the themes Murray had developed based on the CRC and the challenge they themselves had set. As the project was carried out in the District, the distinctive features it embodied in an Alberta and Calgary context resulted in the development of "In My World," as the initiative came to be known.

The *In My World*© pilot intended:

- To develop a sense of community between children and adults.
- To foster the affective development of children through the creative arts and shared experiences
- To expand teachers understanding of rights and responsibilities
- To develop a sense of respect for others through fostering just and caring actions.[12]

Action Research Results

The teachers began a reflective inquiry in each of their classrooms. Using the CRC as a lens through which to view their work with children, the teachers collected data about something they wanted to find out more about in the context of their classroom. They identified ways to collect data to answer their question. The teachers used their half-day per month substitute coverage to examine the data they had collected and to plan instructional activities that focused on CRC themes from *The World Around Us*. As the year drew to a close, a celebration was held during which the teachers spoke of their questions and their findings, and of the learnings and insights they had made. An examination of the videotaped celebration and a review of transcripts of selected footage yielded many commonalities about teacher change. The teachers' written summaries also allowed these commonalities to be supported.

Student Learning

The teachers spoke of the students' learning, clearly indicating that when children are taught the language of responsibilities and rights, they use this language in an increasingly instrumental way.

A team of kindergarten teachers wondered whether the children would use rights language in appropriate ways. Their learning questions were: *How do my kindergarten children come to understand and express their feelings? How do my kindergarten childr[illegible] recognize and become aware/sensitive to feelings of others?* They reported with great satisfaction that the role-plays undertaken and documented by older students revealed that the children had learned the words of rights and responsibilities, and voiced these words. The children had begun to use the language to solve problems that occur in kindergartens. Issues such as sharing and "butting into line" were reported: "We could actually see where they were developing the language."[13]

In their written summary, these teachers state:

> In our observations of children and through listening to comments during class discussions, we have noted an increase in understanding of feelings and in

acceptance of each others' feelings. For example, when a new child arrived late in the year, children were sympathetic to feelings of nervousness and understood why the child was crying and hesitant to leave his parent. Children were sympathetic and offered to help the new child.

We observed some children using phrases and words which reflect consideration towards another child: asking to have a turn with a specific toy, offering to let another child join a play situation, or offering to share a toy when a new child arrives at a centre.

We have realised that it is valuable to directly teach concepts, to involve children in discussions, and to role play or work through specific incidents so that children can develop the skills and the vocabulary to solve problems and to demonstrate friendliness towards others. We also discovered that when given the vocabulary and opportunity, children are able to express thoughts and feelings verbally, on paper and through dramatic role-play.

Another kindergarten teacher wanted to consider *how...children become aware of themselves and their relationships to others and the world as citizens*. Selected excerpts of her written summary indicated these insights:

Through this literacy-based curriculum my children became more aware of their rights as children and that they also have responsibilities.

Positive self-esteem enables children to look outward to others to see their peers' strengths and positive contributions to the classroom.

By giving students a voice in the classroom the learning is easier and more exciting and respect is prevalent.

Caring and sharing attitudes are fostered when you explore what others may think or feel in response to your words, actions.

Most of the children recognised that they had a responsibility to keep their world clean, respect nature and to get along.

Through meaningful hands-on projects the children were able to work through their feelings and better verbalise what their rights and responsibilities are.

The children became more aware of how we are dependent upon other countries for some of our food. We share commodities.

A grade one teacher wanted to know; *What learning projects increase children's understanding of the importance of family and friends?* Her written summary demonstrates her observations:

> The student work revealed their level of development and understanding of specific issues. Their illustrations/art work activities were open-ended (with choice) so I would be able to see what is most important or relevant to them. Our discussions took place after reading literature that related to the specific topic (or viewing a specific movie). This put the topic into context and allowed the children to share their concerns or experiences. They would often respond emotionally (i.e., "that is sad" "They must feel..."). Observing student behaviour in the classroom was a good indicator of their problem-solving strategies, care for one another and also gave insights into what strategies are used at home. Observing their role-play (puppet centre) also indicated the issues that are most important to them. Watching student interaction with new children who entered our classroom showed me their level of empathy and care for others.

Another grade one/two teacher was exploring these questions: *How do children understand and feel about their own individuality? How does their individuality differ from others in an extremely diverse society? What are their rights and responsibilities as they contribute to society?*

Her written summary speaks to her growth as a reflective practitioner:

> The data collection for the portfolio revealed how much the students had learned. I was amazed at their understanding and use of the language from this program. "In My World" was an excellent resource to initiate discussions and actions. All the subject areas can be incorporated into this program. The nature of the program is so open that teachers can create their own activities to make the goals and objectives successful and meaningful. It is a very co-operative and collaborative learning experience. The students became involved with the program and this was evident through their proposal of ideas. After reading the book, *War and Peas*, we discussed what a peaceful world would look like. Later that week, during Friday centres, I noticed the students were working in a large group to create a castle made with shapes. The students approached me and stated that this was a Peace Castle and they wanted to be peacemakers. This initiated the creation of peace castles made from recycled material. The students then wrote about the peace castles.

A grade 2/3 teacher commented with surprise that the children who had been taught the language of responsibilities and rights would teach this language to incoming students new

to the classroom. This language was used by them to problem solve incidents at recess. One problem-solving group reported that "We have the right to make our own decisions.[14] The teacher was astonished as she saw the children struggle to determine whether this was a right or a responsibility or both.

Another team of grade one/two teachers commented that the children knew about responsibilities but *couldn't imagine that they would understand what a right was*. In activities in the classroom, these teachers observed that young children could understand the difference between needs and wants, reporting: "We weren't sure they would grasp this but after the activity we ascertained they did."[15]

Another grade one/two team explored a question of *whether teaching responsibilities and rights in a formal way would help the children learn better*. They discovered that "language and vocabulary is instrumental in helping with conflict resolution."[16]

On this same team, an evaluation was undertaken. In reviewing that children everywhere have the same rights, the teachers asked the class to write about what they were learning. One of the children wrote: "I'm learning that children have the right to be proud of their heritage and their beliefs."[17] This child had drawn a picture that included someone with a speech bubble that said, "I love your hair." The mother of this youngster had reported earlier in the year that in a different community, her child had wanted to dye his black hair blonde to change his whole appearance.

Another teacher reported that:

> "It is also fantastic to see how students apply their knowledge of rights in everyday classroom practice. Situations where one child is hurting another usually unfold where the students will begin by problem solving and expressing their rights: for example, "I have the right to feel safe" or "You are taking away my right to feel safe, and that is not okay." The philosophy that guides this curriculum has been integrated into all curriculum areas. It is a worthwhile tool to exercise citizenship and acceptance of diversity. *In My World* has developed our students' social capacity and has led to a more caring and supportive classroom climate."[18]

Teacher Insights

The teachers' reporting was framed in exploratory language, one where they wanted to find out, …they wondered about,…wanted to see if, …, wondered how children would respond,…, wanted to see if learning would be impacted,…. At the root of this inquiry was the lens of the *Convention on the Rights of the Child*.

In undertaking action research, not only did the teachers' practice change but their understanding of the capabilities of their students changed as well. The reflection on the students' learning caused the teachers to deepen their awareness and appreciation of the vitality of children as protagonists who are capable of collaboration and of demonstrating citizenship. In seeing evidence of their students as protagonists, collaborating with adults and peers, the teachers gained a sense of their role as coaches to "take times in the child's life and let these blossom."[19] By allowing participatory rights to their students in the classroom, the teachers came to better understand children and their imaginative worlds. Their already profound respect for children deepened by seeing through the children's eyes.

The teachers' learning *has* been reflexive. The action research cycle impacted their pedagogical beliefs and changed their practice. Using teacher questions to closely guide observation of children's performances caused teachers to change their own underlying beliefs. The teachers, in reporting their findings, became advocates for the potentials of what children could learn. In their explorations of aspects of the CRC, the teachers internalized the vision and the Convention, indeed, became the lens that informed their work. The *In My World* pilot created a group of teacher-enquirers and reflective practitioners who will positively impact children. The children will learn a language of rights and responsibilities that will serve them all their lives.

Endnotes

1. United Nations General Assembly, 1989
2. Ellen Murray, 2001, personal communication
3. Calgary Board of Education (CBE), 1998a
4. CBE, 1998b
5. Op cit, p.7
6. Op cit, p.7
7. Op cit, p.15
8. Premier Ralph Klein, 1999, letter to Prime Minister Chretien
9. Alberta Teachers Association, 2000, p.2
10. Cooper, C., & Boyd, J., 1994, p. 108
11. Op cit. p. 113
12. In My World, 2000, video narration
13. In My World Celebration, 2000, unpublished video footage and transcripts
14. Op cit
15. Op cit
16. Op cit.
17. Op cit
18. Op cit
19. Op cit.

References

Alberta Teachers Association (2000). *Action Research Guide for Alberta Teachers*. Alberta: author.

Calgary Board of Education (1998a). *Quality Learning Document*. Work-in-progress.

Calgary Board of Education. (1998b). *Anti-Racism and Equity Policy* (4027.3).

Calgary Board of Education (2000). *In My World* (video).

Cooper, C., & Boyd, J. (1994). *Collaborative Approaches to Professional Learning and Reflection*. Tasmania, Australia: Global Learning Communities.

Kerr, David. (1999). *Citizenship Education: An International Comparison*. Online at www.inca.org.uk/thematic.asp

United Nations General Assembly (1989). *Convention on the Rights of the Child*. New York, NY: author.

Contact information

Rosemary Allan
Curriculum Specialist
Collaborative Learning Community 4
Calgary Board of Education
3600 - 16 Avenue S.W.
Calgary, Alberta
T3C 1A5
Phone (403) 777-8750
Fax (403) 777-8759
Email RMAllan@Email.cbe.ab.ca

Notes

CANADIAN CHILD CARE FEDERATION
30 Rosemont Ave., Suite 100
Ottawa, Ontario
K1Y 1P4
Telephone: (613) 729-5289 or 1 800 858-1412
Fax (613) 729-3159
E-mail: cccf@sympatico.ca

BEST COPY AVAILABLE

U.S. Department of Education
Office of Educational Research and Improvement (OERI)
National Library of Education (NLE)
Educational Resources Information Center (ERIC)

NOTICE

Reproduction Basis

X	This document is covered by a signed "Reproduction Release (Blanket)" form (on file within the ERIC system), encompassing all or classes of documents from its source organization and, therefore, does not require a "Specific Document" Release form.
	This document is Federally-funded, or carries its own permission to reproduce, or is otherwise in the public domain and, therefore, may be reproduced by ERIC without a signed Reproduction Release form (either "Specific Document" or "Blanket").

EFF-089 (1/2003)

PS031147